



**California Department of Alcoholic Beverage Control**  
**License Query System Summary as of 01/15/2019**

<b>License Information</b>	
License Number:	562305
Primary Owner:	CAFE BIRDIE LLC
ABC Office of Application:	04 - LA/METRO
<b>Business Name</b>	
... No Active DBA found ...	
<b>Business Address</b>	
5631 N FIGUEROA ST	
LOS ANGELES, CA. 90042	
County: LOS ANGELES	Census Tract:
<b>Licensee Information</b>	
Licensee: CAFE BIRDIE LLC	
<b>Company Information</b>	
OFFICER: MALIXI, RUSSELL (MANAGING MEMBER)	
OFFICER: MC ELROY, WADE (MANAGING MEMBER)	
MEMBER: MALIXI, RUSSELL	
MEMBER: MC ELROY, WADE	
<b>License Types</b>	
1) License Type:	47 - ON-SALE GENERAL EATING PLACE
License Type Status:	ACTIVE
Status Date:	05-JUL-2016
Term:	12 Month(s)
Original Issue Date:	05-JUL-2016
Expiration Date:	30-SEP-2019
Master:	N Duplicate: 1 Fee Code: P40
License Type was Transferred On:	05-JUL-2016 From: 47-448149
License Type was Transferred On:	To:
Conditions:	INTERCOUNTY PRIORITIES, NO SALE 5 YEARS
2) License Type:	47 - ON-SALE GENERAL EATING PLACE
License Type Status:	ACTIVE
Status Date:	06-JUL-2016
Term:	12 Month(s)
Original Issue Date:	05-JUL-2016
Expiration Date:	30-SEP-2019
Master:	Y Duplicate: 0 Fee Code: P40
License Type was Transferred On:	05-JUL-2016 From: 47-448149
License Type was Transferred On:	To:
Conditions:	INTERCOUNTY PRIORITIES, NO SALE 5 YEARS
<b>Operating Restrictions</b>	
*Operating Restrictions exist. For more information, please see our <a href="#">Guidelines for Access to Records</a> .	
<b>Disciplinary Action</b>	
... No Active Disciplinary Action found ...	
<b>Disciplinary History</b>	
... No Disciplinary History found ...	
<b>Holds</b>	
... No Active Holds found ...	
<b>Escrows</b>	
... No Escrow found ...	

For a definition of codes, view our [glossary](#).



## REPORT ON APPLICATION FOR LICENSE

2. DIVISION Southern		3. DISTRICT/BRANCH LA/METRO		1. PENDING NUMBER 47-562305	
5. APPLICANT NAME(s) CAFE BIRDIE LLC				4. DATE June 22, 2016	
6. MAILING ADDRESS (Street number and name, city, zip code) (If different from premises address) [REDACTED]				7. <input type="checkbox"/> Temp <input checked="" type="checkbox"/> Perm	
8. DBA				9. CENSUS TRACT 1836.10 MA	
10. PREMISES ADDRESS (Street number and name, city, zip code) 5631 N FIGUEROA ST, LOS ANGELES, CA 90042-4101				11. GEOGRAPHICAL CODE 1933	
12. LICENSES APPLIED FOR 47, 47 [1] (PENDING)		13. TRANSACTION TYPE (If inter-county transfer, show transferor's county) Intercounty Priority Draw Application # 21			
14. TEMPORARY PERMIT ISSUED <input type="checkbox"/> No <input type="checkbox"/> Yes Effective		15. LICENSES ALREADY HELD None		16. EFFECTIVE DATE/ESTD COMPLETION DATE Issuance	
17. COPIES MAILED DATE January 25, 2016	18. DATE PREMISES POSTED 1/28/16	19. 23985.5 DATE 1/29/16	20. DATE PREMISES INSPECTED 2/10/16		
21. WHERE POSTED Eye level dated 1/28/16 facing Figueroa					
22. PUBLICATION DATE(S) N/A		23. PUBLISHER NAME N/A			
24. TRANSFEROR NAME CRAB ADDISON INC				25. TRANSFEROR LICENSE NUMBER 47-448149	
26. TRANSFEROR ADDRESS (If Prem-to-Prem or Double Transfer)					
27. ALIEN VERIFICATION <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A	28. DATE CLEARED N/A	29. FORM NUMBER/NOTATION N/A	30. LIMITED VERIFICATION DATE N/A		
31. PENDING DISCIPLINARY ACTION AGAINST TRANSFEROR None					
32. TRANSFEROR'S LICENSE ORIGINALLY ISSUED DURING LAST 5 YEARS <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A If yes, date:		33. MAIL LICENSE TO D. O. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		34. HEARING TIME N/A	
35. FORMER LICENSEE AT THESE PREMISES None				36. LICENSE NUMBER None	
37. ATTACHMENTS <input checked="" type="checkbox"/> Conditions <input type="checkbox"/> ABC-256 <input type="checkbox"/> ABC-243 <input type="checkbox"/> ABC-226 <input type="checkbox"/> ABC-231 <input type="checkbox"/> ABC-140 <input type="checkbox"/> ABC-253 <input checked="" type="checkbox"/> ABC-257 <input type="checkbox"/> Other:					
38. REMARKS Conditions imposed regarding Section 23958.4. ABC Form 140 is in the file. ABC Form 203/23038 is in the base file. Acknowledgement for Section 521-1 is in the base file. This is an Intercounty Priority Draw Application # 21 for 2015 Los Angeles County. A search of the Department's Priority List for Los Angeles County disclosed that the applicant applied only once for said county.					
39. RECOMMENDATION CONDITIONAL APPROVAL 247		LICENSING REPRESENTATIVE/INVESTIGATOR Margot Hoffman		DATE June 22, 2016	
CONDITIONAL APPROVAL 247		SUPERVISOR MAGGIE PHILLIPS		DATE 6-30-16	
RECOMMENDATION CONDITIONAL APPROVAL 247		DISTRICT ADMINISTRATOR WILL SALAO		DATE DIVISION REVIEW <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
RECOMMENDATION		ASSISTANT DIRECTOR		DATE	
SEE PAGE 2 FOR REPORT: 1. MORAL CHARACTER 2. PREMISES 3. FINANCIAL					



**PREMISES:**

See attached ABC 257 for premises information.

Does the premises comply with the following:

Section 23038:	N/A	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Rule 27:	N/A	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Rule 107:	N/A	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**LICENSED HISTORY:**

This premises has never been licensed.

**SECTION 23790 (Zoning):**

Premises complies with local zoning requirements:

Yes ☒ No ☐

Conditional use permit (CUP) required:

Yes ☒ No ☐**SECTION 23789 (Consideration Points):**

Exist:

Yes ☐ No ☒ N/A ☐

Objections received:

Yes ☐ No ☐**SECTION 23958.4 (Undue Concentration/High-Crime Area):**

N/A

Crime statistics maintained:

Yes ☒ No ☐

Premises located in a high-crime reporting district:

Yes ☐ No ☒

Premises located in an over concentrated census tract:

Yes ☒ No ☐ N/A ☐

Public convenience or necessity:

Governing Body

Applicant

☒

Law enforcement contacted:

Yes ☒ No ☐

Objections received:

Yes ☐ No ☒**RULE 61.4 (Residents Within 100'):**

Exist:

Yes ☐ No ☒ N/A ☐

If yes, has non-interference been established:

Yes ☐ No ☐

Objections received:

Yes ☐ No ☐**PRIORITY INFORMATION ONLY:**

Residency (P-71.2)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Exempt (P-12)	<input type="checkbox"/>	N/A <input type="checkbox"/>
Source of funds: Complies with (P-24.17)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			
Tenancy: Deed/Lease to cover 2 years:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			

**ADDITIONAL INFORMATION:**

The licensed premises will include a patio measuring approximately 10' x 49' - 8" which is located between the two buildings. There will be 2 fixed bars on the premises. ✓

*All supporting documents are located in the district file.*

Supervisor Review

☒

District Administrator Review

☐

x

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

CAFE BIRDIE LLC  
5631 N FIGUEROA ST  
LOS ANGELES, CA 90042-4101

} FILE 47-562305

} REG.

} PETITION FOR CONDITIONAL  
} LICENSE

For Issuance of an On-Sale General Eating Place -  
License  
under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses, and ;

WHEREAS, the proposed premises are located in Census Tract 1836.10 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over concentration of licenses, grounds exist for the denial of the applied-for license(s); and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals; the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 1 Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 1/8/16 and ABC-253 dated 1/8/16.
- 2 The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Wm  
Initials



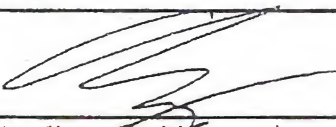
This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 22 DAY OF June, 2016.

\_\_\_\_\_  
Applicant/Petitioner

  
\_\_\_\_\_  
Applicant/Petitioner Wade McElroy

RECORDING REQUESTED BY  
ABC ESCROW COMPANY

[www.abcescrow.com](http://www.abcescrow.com)  
[claims@abcescrow.com](mailto:claims@abcescrow.com)

WHEN RECORDED MAIL TO:

NAME  
ABC Escrow

MAILING ADDRESS (Street number and name)  
2222 Damon Street

CITY STATE ZIP CODE  
Los Angeles CA 90021

Escrow No. 15572-KA



20151224-00184857-0 1/2

Ventura County Clerk and Recorder  
MARK A. LUNN

12/24/2015 08:04:22 AM

1015666 \$31.00 AR

DO NOT WRITE IN THE SPACE ABOVE.

Government Code

Section 27361.6 reserves space above for exclusive use of County Recorder.

**NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER  
SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE**

*Read instructions before completing.*

1. LICENSEE(S) NAME(S) (Seller)

CRAB ADDISON INC,

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED

567 SAN JON RD, Ventura, CA 93001

3. LICENSEE'S MAILING ADDRESS (if different)

4. APPLICANT(S) NAME (Transferee or Buyer)

CAFE BIRDIE LLC

5. PROPOSED BUSINESS ADDRESS (if different than item 2)

5631 N. FIGUEROA ST., LOS ANGELES, CA 90042

6. MAILING ADDRESS OF APPLICANT

5631 N. FIGUEROA ST., LOS ANGELES, CA 90042

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED

ON SALE GENERAL EATING PLACE License No. 47-448149

8. ESCROW HOLDER/GUARANTOR NAME

ABC Escrow

9. ESCROW HOLDER/GUARANTOR ADDRESS

2222 Damon Street, Los Angeles, CA, 90021

10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT

CASH

\$

DEMAND NOTE

PROMISSORY NOTES

TANGIBLE AND/OR INTANGIBLE PROPERTY

TOTAL AMOUNT

\$

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department Of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named Escrow Holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as Provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferee or Seller) CRAB ADDISON INC,

*Raymond Alfred Blanchette III CEO*

APPLICANT'S SIGNATURE (Transferee or Buyer)

CAFE BIRDIE LLC

DATE SIGNED

12/15/15

DATE SIGNED

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 Reproduced by SMS (11/99)

State of California, Department of Alcoholic Beverage Control

LA1614754

Executed and Recorded  
in Counterpart

Page 1 of 2



ABC ESCROW COMPANY

[www.abcescrow.com](http://www.abcescrow.com)  
[claims@abcescrow.com](mailto:claims@abcescrow.com)

WHEN RECORDED MAIL TO:

NAME  
ABC Escrow

MAILING ADDRESS (Street number and name)  
2222 Damon Street

CITY STATE ZIP CODE  
Los Angeles CA 90021

Escrow No. 15572-KA

DO NOT WRITE IN THE SPACE ABOVE.

Government Code  
Section 27361.6 reserves space above for exclusive use of County Recorder.

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*Read instructions before completing.*

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CRAB ADDISON INC,

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED

567 SAN JON RD, Ventura, CA 93001

3. LICENSEE'S MAILING ADDRESS (if different)

4. APPLICANT(S) NAME (Transferee or Buyer)

CAFE BIRDIE LLC

5. PROPOSED BUSINESS ADDRESS (if different than Item 2)

5631 N. FIGUEROA ST., LOS ANGELES, CA 90042

6. MAILING ADDRESS OF APPLICANT

5631 N. FIGUEROA ST., LOS ANGELES, CA 90042

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED

ON SALE GENERAL EATING PLACE License No. 47-448149

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ABC Escrow

9. ESCROW HOLDER/GUARANTOR ADDRESS

2222 Damon Street, Los Angeles, CA, 90021

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CASH

\$

DEMAND NOTE

PROMISSORY NOTES

TANGIBLE AND/OR INTANGIBLE PROPERTY

TOTAL AMOUNT

\$

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department Of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named Escrow Holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as Provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferor or Seller) CRAB ADDISON INC,

DATE SIGNED

APPLICANT'S SIGNATURE (Transferee or Buyer) CAFE BIRDIE LLC,

DATE SIGNED

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 Reproduced by SMS (11/99)

State of California, Department of Alcoholic Beverage Control

Executed and Recorded  
in Counterpart

Page 2 of 2

This is a true certified copy of the original public record if it bears the seal, imprinted in purple ink, of the County Clerk and Recorder.

*Mark A. Lunn*

MARK A. LUNN  
County Clerk and Recorder  
Ventura County, California





Department of Alcoholic Beverage Control  
LA/METRO DISTRICT OFFICE  
888 S. FIGUEROA ST., STE 320  
LOS ANGELES, CA 90017  
(213) 833-6043



December 21, 2015

CAFE BIRDIE LLC

**NOTIFICATION RE PRIORITY DRAWING FOR  
Intercounty Transfer On-Sale General Eating Place License**

License Number: 562305  
Date of Public Drawing: October 22, 2015  
Priority Number: 21  
Receipt Number: 2320278  
County 19 - LOS ANGELES

On October 22, 2015, you were notified to file a formal application for the above license.

This is a second notice for you to file an application. Unless you file a formal application on or before January 20, 2016, we will assume you no longer want the license. We will refund your deposit (less \$100 service charge) and assign your priority number to the next applicant on the list.

If you have any questions, please feel free to contact this office or your nearest ABC District Office. Thank you for participating in the priority drawing.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Will Salao', written over a circular embossed stamp.

Will Salao  
Supervising Agent In Charge

Cc: Headquarters Licensing  
ABC-267

Department of Alcoholic Beverage Control  
LA/METRO DISTRICT OFFICE  
888 S. FIGUEROA ST., STE 320  
LOS ANGELES, CA 90017  
(213) 833-6043

October 22, 2015



CAFE BIRDIE LLC

**NOTIFICATION RE PRIORITY DRAWING FOR  
Intercounty Transfer On-Sale General Eating Place License**

License Number: 562305  
Date of Public Drawing: October 22, 2015  
Priority Number: 21  
Receipt Number: 2320278  
County: LOS ANGELES  
Number of Licenses Available: 25

Congratulations. You are eligible to file a formal application for the above license. You must file the application on or before January 20, 2016. As you may know, additional fees will be due and payable to the Department of Alcoholic Beverage Control at that time. Please file your application at the address shown above or your nearest ABC District Office.

If you do not file your application within the prescribed period of time, we shall assume that you are no longer interested in obtaining the above license and shall refund your deposit, less \$100 service charge, and shall assign your priority number to the next person on the list.

Thank you for participating in the priority drawing. If you have any questions, please feel free to contact this office or your nearest ABC District Office.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Buckner", is written over the title "Supervising Agent In Charge".

Supervising Agent In Charge

Cc: Headquarters Licensing  
ABC-225-1



## PRIORITY LICENSE APPLICATION

State of California

Instructions: Complete this form only after thoroughly reviewing ABC-521. Use the reverse side if you need more space to disclose ownership information. Include a certified check, cashier's check, or money order for the application fee.

56275

DATE 9/24/15	LICENSE TRANSACTION <input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> INTERCOUNTY TRANSFER	LICENSE TYPE <input checked="" type="checkbox"/> ON-SALE GENERAL (RESTAURANT, BAR, CLUB) <input type="checkbox"/> OFF-SALE GENERAL (STORE)
COUNTY WHERE BUSINESS TO BE LOCATED Los Angeles	APPLICANT(S) NAME (Print) Cafe Birdie, LLC	
MAILING ADDRESS (Street number and name, city, state, zip code)		PHONE NUMBER
TYPE OF OWNERSHIP (Check one) <input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership (LP) <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other		

• LIST ALL OFFICERS, DIRECTORS, GENERAL PARTNERS (if LP) AND MANAGERS (if LLC) OF THE APPLICANT, AND THEIR TITLES

PRINTED NAME Wade McElroy	TITLE Managing Member	PRINTED NAME	TITLE
PRINTED NAME Russell Malixi	TITLE Managing Member	PRINTED NAME	TITLE
PRINTED NAME	TITLE	PRINTED NAME	TITLE
PRINTED NAME	TITLE	PRINTED NAME	TITLE

• LIST ALL STOCKHOLDERS, LIMITED PARTNERS OR LLC MEMBERS OF THE APPLICANT, AND THEIR PERCENTAGE OF OWNERSHIP (MUST TOTAL 100%)

PRINTED NAME Wade McElroy	%	PRINTED NAME Neil Stevens	%
PRINTED NAME Russell Malixi	%	PRINTED NAME Ross Leedy	%
PRINTED NAME Ryan McElroy	%	PRINTED NAME George Thorne	%
PRINTED NAME Tapan Maniar	%	PRINTED NAME Doris King	%

1. Applicant acknowledges all provisions, requirements and restrictions set forth in Form ABC-521 (Priority License Instructions).
2. Applicant acknowledges that if a drawing is required, proof of residency (as defined) shall be required for participation.
3. Applicant agrees that the Application for Alcoholic Beverage License, Form ABC-211, will be submitted within ninety (90) days of notification of eligibility to file the formal application. The application will be made in the same name(s) as it appear(s) above.
4. Applicant agrees that he/she will not make a formal application at a location at which he/she holds any interest in a license of the same type, whether in active status or surrendered to the Department pursuant to Department Rule 65, and will not apply at any location actively licensed with the same type of license.
5. Applicant certifies that he/she has no interest in any other priority application for the same type of license ("on-sale", "off-sale") and transaction ("original", "inter-county transfer") in the same county and acknowledges that any changes in ownership or interest in the applicant entity made after the application is submitted may be grounds for disqualification from the priority licensing process.

I declare under penalty of perjury that the information provided on this form is true and correct and do hereby apply for a priority license as indicated above.

APPLICANT SIGNATURE

Wade McElroy, Manager 9/24/2015

PRINTED NAME AND TITLE

DATE EXECUTED

\*This form to be notarized if not signed in the presence of an ABC employee

## LICENSE TRANSFER REQUEST ("SIGN OFF")

Department of Alcoholic Beverage Control

- This form is to be signed by transferors only.
- Read instructions before completing.
- All signatures must be notarized in accordance with laws of the State where signed.

4 LICENSEE'S NAME (Transferor/Seller)

CRAB ADDISON INC

1 DISTRICT OFFICE

2 LICENSE NUMBER

47-448149

3 TRANSACTION TYPE

☐ Exchange☒ Person to Person Transfer☒ Premise to Premise Transfer☐ Other

5. APPLICANT'S NAME (transferee/Buyer)

CAFE BIRDIE LLC

6 EXISTING PREMISES ADDRESS

567 SAN JON RD, VENTURA, CA 93001

7 LICENSEE'S MAILING ADDRESS (Transferor/Seller)

8 LICENSEE'S PHONE NUMBER

( )

I hereby request surrender of my license under Section 24045.5(b) of the ABC Act so that a Temporary Permit may be issued to the transferee.

9 SIGNATURE OF TRANSFEROR/SELLER FOR TEMPORARY PERMIT (only one signature required)

DATE SIGNED

X

10 RENEWAL DUE DATE

11 SURRENDER DATE

12 TEMP. EFFECTIVE DATE

13 TEMP. EXPIRATION DATE

## TRANSFEROR'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is the licensee named in the foregoing transfer application, duly authorized to make this transfer application; (2) that he hereby makes application to surrender all interest in the license(s) described above and to transfer same to the applicant and/or location indicated on the upper portion of this form, if such transfer is approved by the Director; (3) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor of transferor or to defraud or injure any creditor of transferor; (4) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

## SOLE OWNER

14 SOLE OWNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

## PARTNERSHIP/LIMITED PARTNERSHIP (signatures of general partners only)

15 PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

## CORPORATION

16 CORPORATE OFFICER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

TITLE

☒ President ☐ Vice President ☐ Chairman of the Board

CORPORATE OFFICER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

TITLE

☒ Secretary ☐ Assistant Secretary ☐ Chief Financial Officer ☐ Assistant Treasurer

## LIMITED LIABILITY COMPANY

17. The limited liability company is member-run

☐ Yes ☐ No

(If no, complete Item #18 below)

18 NAME OF DESIGNATED LLC MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle)

SWH MIMI'S CAFE HOLDING COMPANY INC

ABC INITIALS/DATE (ABC use only)

19 LLC MEMBER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

LLC MEMBER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED



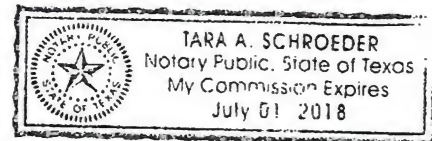
## NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS }  
COUNTY OF HARRIS }

On this 15<sup>th</sup> day of October, 2015, before me, Tara A. Schroeder, personally appeared Raymond A. Blanchette, III, personally known to me, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on this instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Tara A. Schroeder



NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

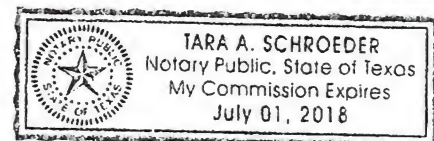
## NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS }  
COUNTY OF HARRIS }

On this 15<sup>th</sup> day of October, 2015, before me, Tara A. Schroeder, personally appeared Brad A. Leist personally known to me, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on this instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Tara A. Schroeder



NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS



State of California  
RECEIPT FOR PAYMENT

Department of Alcoholic Beverage Control

Paid For: CAFE BIRDIE LLC  
Received at: LA/METRO DISTRICT Office

Received: January 25, 2016  
Receipt No: 2340145  
Total Amount: \$876.00

Payment Method	ID#	Amount	Paid By
		\$876.00	CAFE BIRDIE LLC

Accounting Comment:

Detail Transaction	Job #	Dup	Unit Cost	Quantity	Amount Paid
47 - ANNA	562305-150925	0			\$876.00

BY: \_\_\_\_\_



## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

**Section 23038  
Acknowledgment**

If you are licensed as a bona fide public eating place, you must be prepared to serve the usual assortment of foods commonly eaten at different times of the day. Meals do not necessarily have to be served continuously, but at least during the normal breakfast hours, the normal lunch hours, and the normal dinner hours.

Premises must be regularly kept open and in a bona fide manner used for the serving of meals to guests for compensation.

- (1) "Regularly kept open" - Premises which operate as a bona fide public eating place shall be considered regularly kept open provided they make actual and substantial sales of meals during the normal meal hours at least five days a week. Normal meal hours are considered to be:

BREAKFAST	6:00 a.m. to 9:00 a.m.
LUNCH	11:00 a.m. to 2:00 p.m.
DINNER	6:00 p.m. to 9:00 p.m.

Not opening until 9:00 p.m. does not relieve you of having to comply with Section 23038 of the Business and Professions Code. You must still open and operate in good faith as a restaurant, as set forth in this document.

- (2) "Used in a bona fide manner" - Premises will be considered as being used in a bona fide manner if:

- (a) There is a real offer or holding out to sell meals when the premises are open (as provided above.)
- (b) Actual and substantial sales of meals are made to guests for compensation.

Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider premises as being used in a bona fide manner.

- (3) "Meals" - Means the usual assortment of food commonly ordered at various hours of the day. The service of such food and victuals only as sandwiches or salads shall not be deemed compliance with this requirement. However, certain specialty entrees, such as: pizza, fish, ribs, etc., and an assortment of other foods, such as: soups, salads or desserts, may be considered a meal.

Department of Alcoholic Beverage Control  
**APPLICATION QUESTIONNAIRE**

State of California  
Edmund G. Brown Jr., Governor

Please read instructions, which includes Privacy Notice, before completing form.

CT. 1836.10

1. APPLICANT'S NAME(S) (If an individual, first name, middle name, last name. Name of entity if corporation, limited partnership or limited liability company.)

Cafe Birdie, LLC

P-12 LICENSEE

☐ Yes

☒ No

(If yes, complete form ABC-811)

2. LICENSE TYPE(S) (Check appropriate items)

20 Off-Sale Beer & Wine

21 Off-Sale General

40 On-Sale Beer

41 On-Sale Beer & Wine Eating Place

42 On-Sale Beer & Wine Public Premises

X 47 On-Sale General Eating Place

48 On-Sale General Public Premises

Other

3. TRANSACTION TYPE (Check appropriate item)

Original (New)

X

Person-to-Person Transfer (check appropriate section):

Section 24071 (Surviving spouse, corporations, fiduciaries, etc.)

Section 24071.1 (Corporate Stock/Limited Partnership)

X

Section 24071.2 (Limited Liability Company)

X

Premises-to-Premises Transfer

Exchange

Other

4. TEMPORARY PERMIT REQUESTED (Person-to-Person transfers only)

☐ Yes

☒ No

5. PREMISES ADDRESS (Where license to be issued) (Street number and name, city, zip code)

5631 N. Figueroa St., Los Angeles, CA 90042

County

Los Angeles

6. PREMISES TELEPHONE NUMBER

( ) Pending

7. PREMISES ARE INSIDE CITY LIMITS

☒ Yes

☐ No

8. BUSINESS NAME (DBA) YOU WILL USE

TBD

9. BUSINESS MAILING ADDRESS (Street number and name, city, zip code)

10. MAILING ADDRESS

☒ Permanent

☐ Temporary

11. ABC LICENSE COST (Item #33a on reverse)

\$15,000

12. SUBTOTAL (Item #33f on reverse)

13. HAS THE APPLICANT(S) EVER BEEN CONVICTED OF A FELONY?

☐ Yes

☒ No

14. HAS THE APPLICANT(S) EVER VIOLATED ANY OF THE PROVISIONS OF THE ALCOHOLIC BEVERAGE CONTROL ACT OR REGULATIONS OF THE DEPARTMENT PERTAINING TO THE ACT?

☐ Yes

☒ No

15. IF YES TO ITEM 13 OR 14, PLEASE EXPLAIN

RECEIVED

JAN 20 2010

Department of Alcoholic Beverage Control

16. TRANSFEROR'S NAME (If an individual, last, first, middle. Name of entity if corporation, limited partnership or limited liability company)

CRAB ADDISON INC.

17. ABC LICENSE NUMBER

47-448149

18. TRANSFEROR'S PREMISES ADDRESS (Where license is now issued) (Street number and name, city, zip code)

567 San Jon Rd., Ventura, CA 93001

19. PREMISES UNDER CONSTRUCTION

☒ Yes

☐ No

IF YES, LIST ESTIMATED COMPLETION DATE

04/2016

20. FRANCHISE

☐ Yes

☒ No

21. NAME OF PERSON WE MAY CONTACT (For the applicant)

Henry Truong

22. TITLE OF CONTACT PERSON

Consultant

23. CONTACT TELEPHONE NUMBER

( 213 ) 687-6963 x 206

24. CONTACT E-MAIL ADDRESS

henry@fedesignandconsulting.com

25. PREMISES IS CURRENTLY LICENSED

☐ Yes

☒ No

IF YES, TYPE OF LICENSE

N/A

26. CURRENT LICENSE IS OPERATING

☐ Yes

☒ No

IF NO, DATE CLOSED

**FINANCIAL INFORMATION**

27. ESCROW COMPANY'S NAME

ABC ESCROW

ESCROW COMPANY'S ADDRESS

2222 DANCER ST. Los Angeles, CA 90021

TELEPHONE NUMBER

( 213 ) 417-2341

28. BOOKKEEPER/ACCOUNTANT'S NAME

Barbara A. Barschak

BOOKKEEPER/ACCOUNTANT'S ADDRESS

[REDACTED]

TELEPHONE NUMBER

[REDACTED]

29. LANDLORD'S NAME

Cyrus Etemad

LANDLORD'S ADDRESS

[REDACTED]

TELEPHONE NUMBER

[REDACTED]

30. MONTHLY RENT

[REDACTED]

31. LEASE EXPIRATION DATE

[REDACTED]

32. INDICATE WHETHER LEASE OR RENTAL AGREEMENT INCLUDES FURNITURE OR FIXTURES

☐ All

☐ Some

X ☒ None



(4) Premises must be equipped and maintained in good faith for sales to, and consumption by, the public of meals upon the premises.

(a) "Equipped and maintained in good faith."

(i) Premises must possess, in operative condition, such conveniences for cooking foods as stoves, ovens, broilers, or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed.

(ii) Premises must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

(iii) Premises must make an actual offer or holding out of sales of food to the public by such devices as menus, posters or signs.

(iv) Premises must possess a supply of goods adequate to make substantial sales of meals.

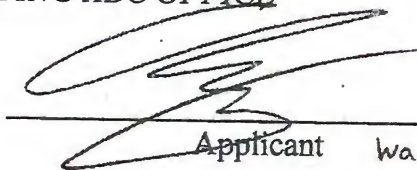
(5) Food facilities must be maintained in a sanitary condition and the premises must be equipped with a proper amount of refrigeration for keeping of food on the premises and be equipped with such other facilities as are necessary to comply with all regulations of the local health department.

I understand that failure to comply with the above requirements may result in suspension or revocation of my Alcoholic Beverage License.

*SIGN AND RETURN TO YOUR CORRESPONDING ABC OFFICE*

Date: \_\_\_\_\_

6/22/2016



Applicant

Wade McElroy

Si

Witness \_\_\_\_\_

Applicant \_\_\_\_\_

Si e

LIC# 47-562305 \_\_\_\_\_

**ACKNOWLEDGMENT OF ABC  
LAWS, RULES AND/OR REGULATIONS**

INTERVIEW DATE

DISTRICT OFFICE

LA METRO

LICENSEE/APPLICANT NAME (Print)

CAFE BIRDIE LLC

BUSINESS NAME (DBA)

PREMISES ADDRESS (Street number and name, city, zip code)

5631 N. FIGUEROA ST., LOS ANGELES, CA 90042

LAWS AND RULES GIVEN

ABC-528- Instructions to Applicants Re: Section 23985.5 B&amp;P Code

ABC-533- Employment of Minors

ABC-545- Harmful Matter

ABC-571- FOOD SERVICE, 23038 "Bona Fide Public Eating Place, Meals"

ABC-608- Quick Summary of Selected Laws for Retail Licensee's

ABC-613- Lead Program Mission Statement

ABC-616- Common ABC License types and their basic privileges

SECTION 23038 ACKNOWLEDGMENT

*521-1 Acknowledgement*

On the above date, I was interviewed and instructed by the above office of the Department of Alcoholic Beverage Control.

During this interview, I was advised of certain laws and rules and was given copies of the laws and rules listed above.

I understand any violation of these laws or rules by me, or my agents or employees, could result in disciplinary action being filed against my alcoholic beverage license(s).

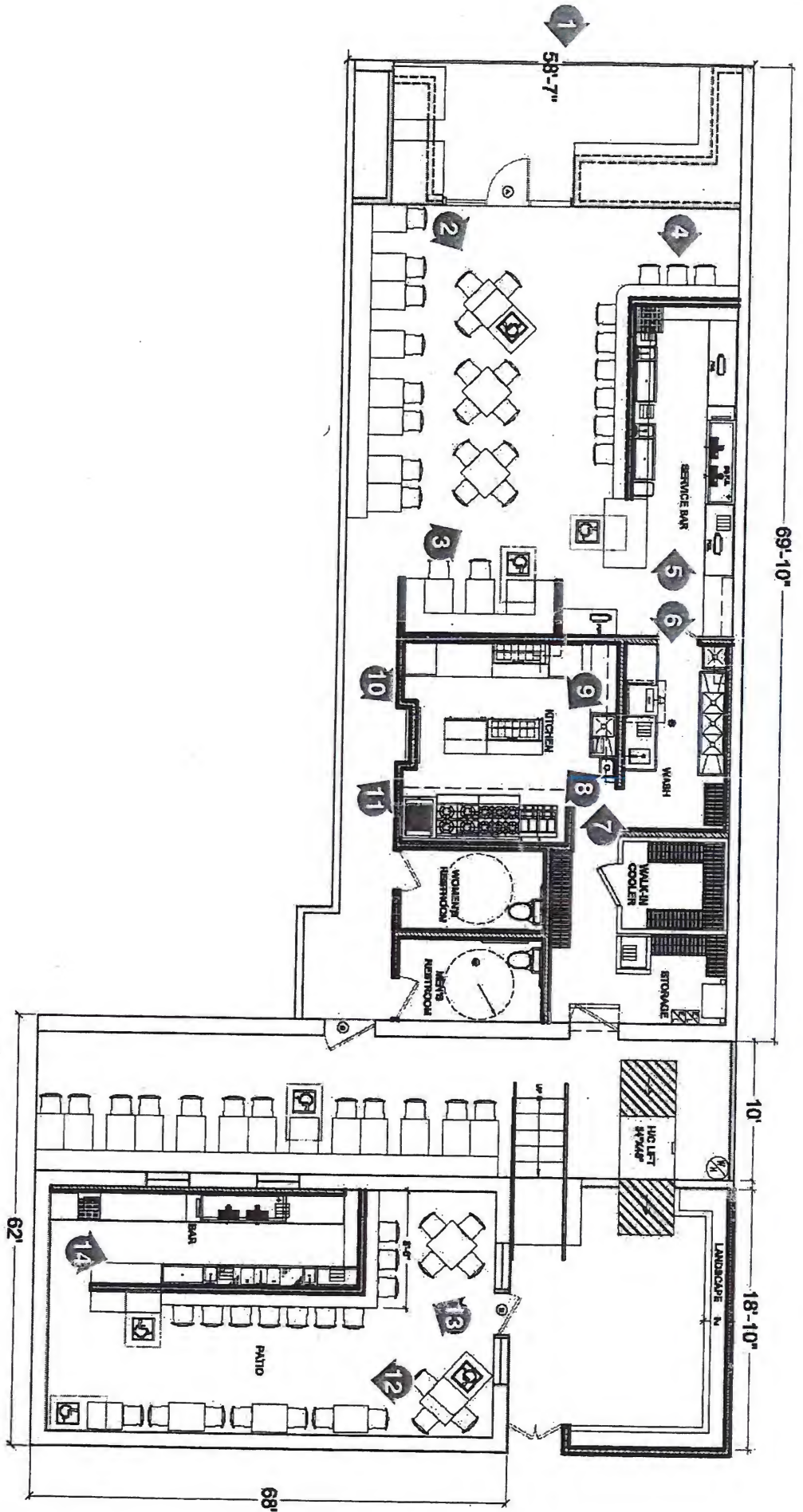
LICENSEE/APPLICANT SIGNATURE

DATE SIGNED

*6/22/2016*



**PHOTO KEY**  
 Birdie  
 5631 N Figueroa St, Los Angeles, CA 90042



**FE**  
 FE DESIGN & CONSULTING





N Figueroa St, across street facing subject site. Direction: Northwest

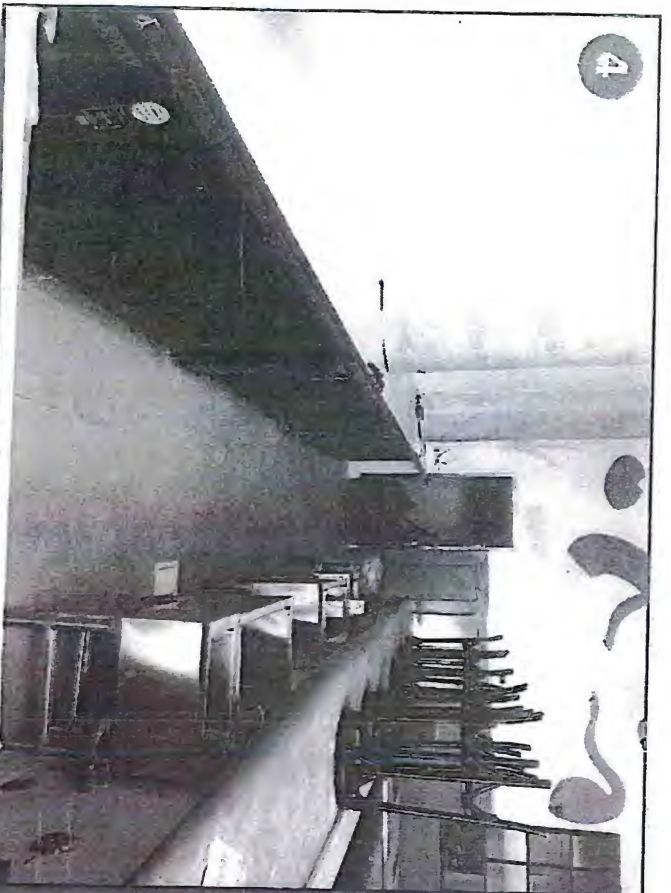


Interior, facing the dining area in the front.



Interior, facing the dining area in the front.





4  
Interior, facing the prep area behind the bar in the front.



5  
Interior, facing the prep area behind the bar in the front.



6  
Interior, facing the wash area in the front.



7  
Interior, facing the kitchen in the front.





Interior, facing the kitchen in the front.



Interior, facing the kitchen in the front.



Interior, facing the kitchen in the front.



Interior, facing the kitchen in the front.





Interior, facing the seats and bar in the back.



Interior, facing the bar in the back.



Interior, facing the prep area behind the bar in the back.

Department of Alcoholic Beverage Control  
**ADDITIONAL LICENSE/PERMIT APPLICATION**

State of California

Effective July 1, 2012 Revenue and Taxation Code, Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with the Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

(ABC Use Only)

LICENSE NUMBER <b>562305</b>	
RECEIPT NUMBER <b>2361727</b>	
FEE PAID <b>\$627.00</b>	COPIES MAILED DATE
DISTRICT CODE <b>04</b>	GEO CODE

**SECTION 1- LICENSEE(S) INFORMATION**

1. LICENSEE'S NAME <b>Cafe Birdie LLC</b>	2. DOING BUSINESS AS (DBA) <b>TBD</b>	3. DATE
4. PROPOSED PREMISES ADDRESS <b>5631 N. Figueroa St., Los Angeles, CA 90042</b>		5. DISTRICT OFFICE <b>LA Metro</b>
6. MAILING ADDRESS <b>[REDACTED]</b>		7. LICENSEE'S PHONE NUMBER

**SECTION 2- APPLICATION FOR PERMIT/LICENSE**

8. TYPE OF PERMIT/LICENSE <b>47</b>	9. NUMBER OF PERMIT/LICENSES <b>2</b>	10. PRINCIPAL/MASTER LICENSE NUMBER <b>562305 (Pending)</b>
--	--	--

I/We apply for the permit/license(s) checked below

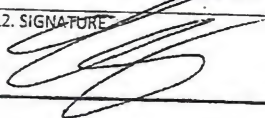
<input type="checkbox"/> a. Caterer's Permit (Type 58)	<input type="checkbox"/> f. Brandy Importer (Type 11)	<input type="checkbox"/> j. Duplicate (Type 48)
<input type="checkbox"/> b. Controlled Access Cabinet (Type 66)	<input type="checkbox"/> g. Distilled Spirits Importer (Type 12)	<input type="checkbox"/> k. Event Permit (Type 77)
<input type="checkbox"/> c. Portable Bar (Type 68)	<input type="checkbox"/> h. Duplicate (Type 02)	<input type="checkbox"/> l. Certified Farmer's Market (Type 79 or 84)
<input type="checkbox"/> d. Beer & Wine Importer (Type 09)	<input checked="" type="checkbox"/> i. Duplicate (Type 47) <b>(1)</b>	<input type="checkbox"/> m. Other
<input type="checkbox"/> e. Duplicate (Type 01 or 23) — Retail Sales/Tasting location?	<input type="checkbox"/> *Yes	<input type="checkbox"/> No

\*Beer Manufacturing Temporary Permit requested - please check ☐

**SECTION 3- SIGNATURE (Only one signature required)**

11. CERTIFICATION FOR SIGNATURE OF A LICENSED PRINCIPAL

I declare under penalty of perjury that I am authorized to sign for licensed entity identified in Item 1, above.  
 I have read the foregoing and know the contents thereof. Signature must be notarized unless witnessed by ABC employee.

12. SIGNATURE 	13. PRINTED NAME AND TITLE <b>Wade McElroy, LLC Manager</b>	14. DATE <b>5/2/2016</b>
--	--	-----------------------------

ABC USE ONLY

RECOMMENDATION	AGENT'S SIGNATURE (if investigation required)	DATE SIGNED
RECOMMENDATION	SUPERVISOR'S SIGNATURE	DATE SIGNED

**RECEIVED**

**MAY 05 2016**

Dept. of Alcoholic Beverage Control  
**LA/Metro**

Distribution: Original to Headquarters Cashier

<input type="checkbox"/>	ABC-220 to follow
<input type="checkbox"/>	Conditions to follow; Hold in HQ until received

ABC-239 (rev. 9/14)

See Attached Acknowledgment



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles

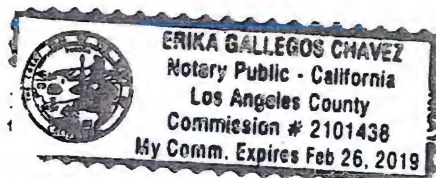
On May 2, 2016 before me, Erika Gallegos Chavez (Notary Public)  
(insert name and title of the officer)

personally appeared Wade Martin McElroy  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



Abc-239. Additional license/Permit Application.

Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle)

Cafe Birdie, LLC

2. LICENSE TYPE

47

3. PREMISES ADDRESS (Street number and name, city, zip code)

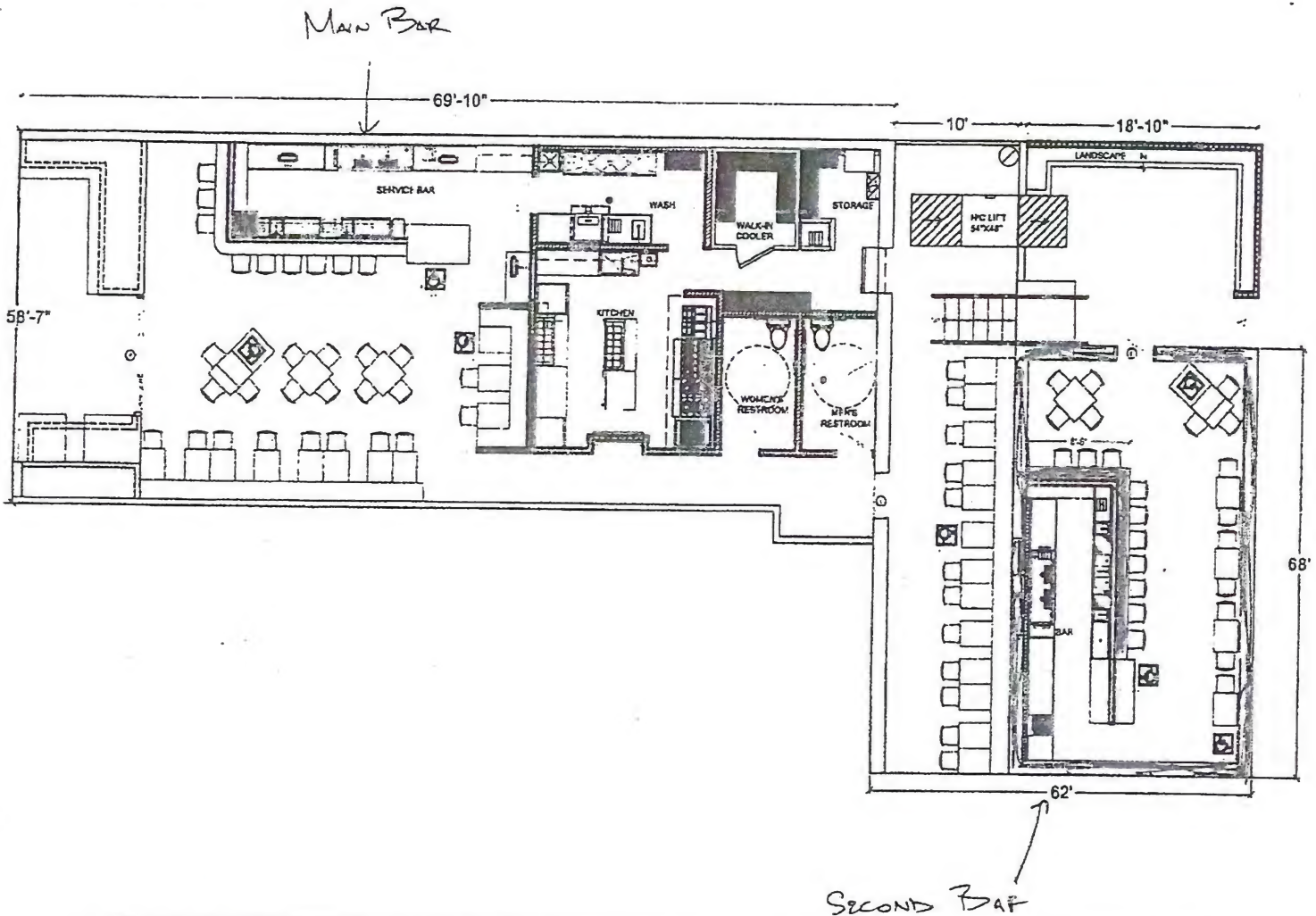
5631 N. Figueroa St., Los Angeles, CA 90042

4. NEAREST CROSS STREET

Avenue 57

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

1-8-2016

FOR ABC USE ONLY

CERTIFIED CORRECT

(Signature)

PRINTED NAME

INSPECTION DATE



**33. INVESTMENT INFORMATION**

COST

a. ABC License

\$ 15,000

b. Furniture/fixtures

c. Inventory

d. Goodwill/non-compete  
covenant

e. Leasehold and/or Improvements

f. **SUBTOTAL** (Usually should equal the recorded notice)g. Fees for other licenses, permits, and deposits (approximate). Include Federal, State,  
County or City license fees or permits; lease and utility deposits

h. Working capital (approximate)

i. Realty or interest therein

j. **TOTAL INVESTMENT** (Items f through i) (will equal total of amounts listed in item #33)

34. Source of Funds for Total Investment (item #33j) - identify amount(s), type(s) and explain source(s) and/or terms of Repayment

Amount	Type	Source and/or Terms of Repayment
Examples \$1,000	Gift	John Doe, Brother
\$15,000	Promissory Note	to seller, payable @ \$1,000 per month for 15 months
\$10,000	Loan	from ABC Bank, @ 8.5% over 5 yrs; monthly payment = \$2,052

**35. LIST ALL BANK ACCOUNTS FOR THIS BUSINESS OPERATION**

BANK NAME

BANK ADDRESS

ACCOUNT NUMBER

a.

b.

c. NAMES OF ALL PERSONS AUTHORIZED TO SIGN ON BANK ACCOUNT(S) (Print)

I understand that falsification of the information on this form may constitute grounds for denial or revocation of the license(s). For a period of 90 days from this date, I/we hereby authorize the Department of Alcoholic Beverage Control, or any of its officers, to examine and secure copies of financial records consisting of signature cards, checking and savings accounts, notes and loan documents, deposit and withdrawal records, and escrow documents of my/our financial institution(s) or any financial records established in connection with this business. This authorization to examine records at any financial institution may be revoked at any time. I/we also authorize the Department of Alcoholic Beverage Control, or any of its officers, to examine and secure copies of any business records or documents established in connection with this business including, but not limited to those on file with my/our bookkeeper. I/we also read all of the above and declare under penalty of perjury that each and every statement is true and correct.

36. APPLICANT SIGNATURE (Only one signature needed)

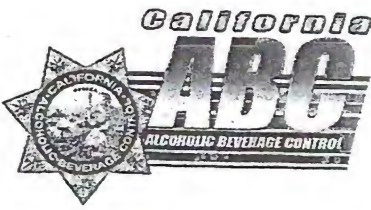
PRINTED NAME

DATE SIGNED

Wade McElroy

1-8-2016

ATTEST (ABC Employee or Notary Public)



State of California  
**RECEIPT FOR PAYMENT**

Department of Alcoholic Beverage Control

**Paid For:** CAFE BIRDIE LLC

**Received at:** LA/METRO DISTRICT Office

**Received:** May 18, 2016

**Receipt No:** 2361727

**Total Amount:** \$627.00

**Payment Method**

**ID#**

**Amount**

**Paid By**

\$627.00

CAFE BIRDIE

Accounting Comment:

**Detail Transaction**

**Job #**

**Dup**

**Unit Cost Quantity Amount Paid**

47 - DOR A

562305-150925

0

\$627.00

BY: \_\_\_\_\_



Department of Alcoholic Beverage Control  
**INVESTIGATION CHECKLIST**

State of California  
[www.abc.ca.gov](http://www.abc.ca.gov)

Instructions to Applicant(s):

Thank you for filing your application. The application will be assigned to a representative for investigation. After the application is initially reviewed, the representative will notify you if additional information is necessary for the investigation. **Failure to respond to the requests for additional information will be considered an abandonment of the application and it will be administratively withdrawn.** The items needed for our investigation are check below. Please furnish them to this office as soon as possible to avoid delays or denial of your application. When completing forms, print in ink or type. For questions or help, please call and ask to speak with your assigned investigator or licensing representative at (213) 833-6043.

**DATE:**

January 25, 2016

**LICENSE TYPE  
& NUMBER:**

47-562305

- ☒ Post your premises with Form ABC-207, Public Notice...(white poster), or ABC-207B, Public Notice...(yellow poster). Your 30-day statutory waiting period begins when you post the notice. Make sure to date the notice.
- ☒ ABC-293, Affidavit of Posting - Sign, date and return.
- ☐ ABC-207-A, Notice of Application - Publish one time in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ☐ ABC-207-C, Notice of Application to Sell Alcoholic Beverages - Publish once a week for three consecutive weeks. Publish in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ☐ ABC-207-D, Notice of Application for Change in Ownership of Alcoholic Beverage License - Publish one time in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ☐ ABC-528, Instructions to Applicants...Section 23985.5, 500' law.
- ☒ ABC-207-E, Notice of Intention to Engage in the Sale of Alcoholic Beverages - Mail to certain addresses within 500' of the premises. Follow instructions on Form ABC-528.
- ☒ ABC-207-F, Declaration of Service by Mail (Section 23985.5, 500' law). Complete, sign, date and return to ABC with a copy of the ABC-207-E.
- ☒ Copy of Conditional Use Permit - Obtain from your city or county planning department.
- ☐ ABC-208-A/B, Individual Personal/Financial Affidavit - The following person(s) must complete the form:
- ☒ LiveScan (fingerprints) for the following person(s) - Please provide second copy of BCII 8016 signed by Live Scan operator:

Applicants have live scans on file.
- ☐ Re-record and provide certified copy of ABC-227 or ABC-227-A, Notice of Intended Transfer, to include corrections:
- ☐ ABC-245, Information and Instructions re: Section 23958.4 (Public Convenience or Necessity).
- ☐ ABC-282, Declaration re Temporary Permit - Required if applicant is not available to sign ABC-280, Temporary Retail Permit.
- ☐ ABC-283, Information Concerning Temporary Permit - Information only; please read.

**INVESTIGATION CHECKLIST (Cont.)**☒ Copy of Menu☐ Food Lessee Agreement☐ Agreement:☐ Manager☐ Franchise

Non-retail applicant: Contact U.S. Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB), to find out if a Federal Basic permit is needed (ABC may also need a copy). Contact TTB at National Revenue Center, 550 Main St., Cincinnati, OH 45202-3263, Phone: (800) 398-2282. Website: [www.ttb.gov](http://www.ttb.gov).

☐ Non-retail applicant: Contact ABC Headquarters, (916) 419-2571, concerning the need for: Malt Beverage price Schedule (ABC-701), Territorial Agreements, Label Approval Application (ABC-412), Certificate of Compliance (ABC-578 and ABC 410), and Out-of-State Distilled Spirits Shipper's Certificate (ABC-413 and ABC-414)

☐ Non-retail applicants, except Types 06, 08, 14, 16, 17, 27 and 29, will be contacted directly by the California Board of Equalization, Excise Tax Division, concerning registration requirements for excise tax due on alcoholic beverages.

☐ Retail applicant: Contact U.S. Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB), (877) 882-3277, about the Special Tax Registration; ATF-5630.5, Annual Tax Registration and Return; ATF-5170.2, Liquor Laws and Regulations for Retail Dealers. Website: [www.ttb.gov](http://www.ttb.gov).

☐ Petition for Conditional License - ABC-172.

☐ ABC-203, Acknowledgement of ABC Laws, Rules or Regulations

☐ Rule 60(j) or (l) affidavit.

☒ ABC-226, Statement re: Consideration Deposited in Escrow. Escrow holder must sign and mail to ABC.

Date mailed to escrow holder: January 25, 2016

☒ You may need to provide verification (proof) of the source of your funds (e.g., bank statements, savings passbooks, loan papers, real estate papers, financial statement, gift/loan letters, etc.).

☒ Applicants renewal due on 09-30-16

☐☐☐☐☐☐☐☐



## APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control  
 888 S. FIGUEROA ST.  
 STE 320  
 LOS ANGELES, CA 90017  
 (213) 833-6043

File Number: 562305  
 Receipt Number: 2340145  
 Geographical Code: 1933  
 Copies Mailed Date: January 25, 2016  
 Issued Date:

DISTRICT SERVING LOCATION: LA/METROFirst Owner: CAFE BIRDIE LLC

Name of Business:

Location of Business: 5631 N FIGUEROA ST  
LOS ANGELES, CA 90042-4101

County: LOS ANGELESIs Premise inside city limits? Yes

Census Tract

Mailing Address:  
 (If different from  
 premises address)

Type of license(s): 47Transferor's license/name: 448149 / CRAB ADDISON INCDropping Partner: Yes ☐ No ☒

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
47 - On-Sale General Eating	INTER-COUNTY TRANSFER	NA	Y	0	09/25/15	\$6,000.00
47 - On-Sale General Eating	ANNUAL FEE	P40	Y	0	01/25/16	\$876.00
Total						\$6,876.00

Have you ever been convicted of a felony? NoHave you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of LOS ANGELESDate: September 25, 2015

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

CAFE BIRDIE LLC

See 211 Signature Page

## APPLICATION SIGNATURE SHEET ("SIGN ON")

- This form is to be used as the signature page for applications not signed in the District Office.
- Read instructions on reverse before completing.**
- All signatures must be notarized in accordance with laws of the State where signed.**

2. FILE NUMBER (If any)

562305

3. LICENSE TYPE

47

1. OWNERSHIP TYPE (Check one)

☐ Sole Owner☐ Partnership☐ Married Couple☐ Domestic Partner☐ Partnership-Ltd☐ Corporation☒ Limited Liability Company☐ Other

4. TRANSACTION TYPE

☐ Original☐ Exchange☒ Person to Person Transfer☒ Premise to Premise Transfer☐ Other

5. APPLICANT(S) NAME (Last, first, middle)

Cafe Birdie LLC

6. APPLICANT'S MAILING ADDRESS (Street address/P.O. box, city, state, zip code)

7. PREMISES ADDRESS (Street address, city, zip code)

5631 N. Figueroa St., Los Angeles, CA 90042

## APPLICANT'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He/She is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he/she has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed

transfer is not made to (a) satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department, (b) to gain or establish a preference to or for any creditor or transferor, or (c) to defraud or injure any creditor or transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

I understand that if I fail to qualify for the license or withdraw this application there will be a service charge of one-fourth of the license fee paid, up to \$100.

## SOLE OWNER

8. PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

## PARTNERSHIP/LIMITED PARTNERSHIP (Signatures of general partners only)

9. PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

RECEIVED  
JAN 2 2016  
DEPT. OF ALCOHOLIC BEVERAGE CONTROL

## CORPORATION

10. PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

TITLE

☐ President☐ Vice President☐ Chairman of the Board

PRINTED NAME (Last, first, middle)

SIGNATURE

X

DATE SIGNED

TITLE

☐ Secretary☐ Asst. Secretary☐ Chief Financial Officer☐ Asst. Treasurer

## LIMITED LIABILITY COMPANY

11. The limited liability company is member-run

☐ Yes☒ No

(If no, complete Item #12 below)

12. NAME OF DESIGNATED MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle)

1) McElroy, Wade, Martin 2) Malixi, Russell, Nino

13. MEMBER'S PRINTED NAME (Last, first, middle)

McElroy, Wade, Martin

SIGNATURE

X

DATE SIGNED

MEMBER'S PRINTED NAME (Last, first, middle)

Malixi, Russell, Nino

SIGNATURE

X

DATE SIGNED

1/8/2016

1/8/16



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles

On JAN 8, 2016 before me, DILIP C. PATEL "NOTARY PUBLIC"  
(insert name and title of the officer)

personally appeared WADE MARTIN MCELROY & RUSSELL NINO MALIXI,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

D. Patel

(Seal)



*See attached ABC-211-S19*

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles

On Jan 8, 2016 before me, DILIP C. PATEL "NOTARY PUBLIC"  
(insert name and title of the officer)

personally appeared WADE MARTIN McELROY,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~  
subscribed to the within instrument and acknowledged to me that he/~~she~~ they executed the same in  
his/~~her~~ their authorized capacity(ies), and that by his/~~her~~ their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

D. Patel

(Seal)



*See attached "Form ABC-217"*



Posting should be accomplished within 5 days from the date of application.

Investigation cannot progress until this completed form, Affidavit of Posting, has been received by this office.

Date of Filing Application: **January 25, 2016**

Name of Applicant(s): **CAFE BIRDIE LLC**  
Address of Premises: **5631 N FIGUEROA ST  
LOS ANGELES, CA 90042-4101**  
License(s) Applied for: **47 - On-Sale General Eating Place**

I hereby certify under penalty of perjury that pursuant to the provisions of Section 23985 of the Alcoholic Beverage Control Act and Rule 109, Title 4, Chapter 1, California Code of Regulations, after filing an application to engage in the sale of alcoholic beverages at the above-designated premises, I did date the posting notice and on said date did post the notice in a conspicuous place on the premises and said notice shall remain posted for a period of at least 30 consecutive days.

NOTICE DATED AND POSTING: 1/28/2016

SIGNATURE OF APPLICANT:  DATE 1/28/2016

Please return within five (5) days to:

**Department of Alcoholic Beverage Control  
888 S. FIGUEROA ST.  
STE 320  
LOS ANGELES, CA 90017  
(213) 833-6043**

Section 23985 and Rule 109,

Section 23985. POSTING NOTICE. After filing an application to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence shall be posted in a conspicuous place at the entrance to the premises. The applicant shall notify the department of the date when such notice is first posted. No License shall be issued for the premises until the notice has been so posted for at least 30 consecutive days. The notice shall be in such form as the department shall prescribe.

Notice of the application for a license pursuant to Section 24044 shall be posted at the proposed premises after the application is filed and shall remain so posted for at least 30 consecutive days. The applicant shall notify the department of the date when such notice is first posted.

Rule 109. POSTING NOTICE. After filing an application to sell alcoholic beverages at any premises, the applicant shall post on the proposed premises notice of intention to sell alcoholic beverages. The notice shall be at least two feet in length and fourteen inches in width. This notice shall be posted in a conspicuous place which can be readily observed by ordinary passersby at or near the entrance to the premises. In the case of a vacant lot, posting shall be on a post or stake of permanent material, at the midpoint of the largest boundary fronting on a public thoroughfare at a point not more than ten (10) feet from the sidewalk, or roadway in the absence of any sidewalk. This notice must be mounted upon heavy cardboard or wood backing affixed to the post or stake so as to be readily visible from the sidewalk or roadway.

The notice shall remain posted for at least 30 consecutive days.

**DECLARATION OF SERVICE BY MAIL**

ABC 207F

Complete this form, attach the original Form ABC-207E and return to ABC office listed below.  
Refer to Instructions, Form ABC-528, for more information.

ABC District Office:

Department of Alcoholic Beverage Control  
888 S. FIGUEROA ST.  
STE 320  
LOS ANGELES, CA 90017  
(213) 833-6043

Applicant(s) Name(s):

CAFE BIRDIE LLC

Premises Address:

5631 N FIGUEROA ST  
LOS ANGELES, CA 90042-4101

1.12.2016  
Dept. of Alcoholic Beverage Control  
LA/ALCO

I, Henry Tavano, do hereby declare that on 1/29/2016, I served by mail upon each ☐ Resident of real property ☐ owner of real property within a 500-foot radius of the above-designated premises, by depositing in the United States Mail, with postage fully prepaid, a sealed envelope containing a true copy of the Notice of Intention to Engage in the Sale of Alcoholic Beverages (ABC-207E), a copy of which is attached hereto, giving the name(s) of the applicant(s), the type(s) of license(s) applied for, the address of the premises where the business is to be conducted, addressed to the resident/occupant for each of the following addresses (If more space is needed, use reverse or attach a separate sheet):

ADDRESS

CITY

ZIP CODE

See Attached☒ Continued on reverse or on attachment

*I declare under the penalty of perjury that the foregoing is true and correct.*

Executed at Los Angeles, California, this 29<sup>th</sup> day of January, 2016

[Signature]  
Signature



**NOTICE OF INTENTION TO ENGAGE IN THE SALE OF ALCOHOLIC BEVERAGES**

ABC-207-E (9/05)

To the Resident or Owner of Real Property Within a 500' Radius:

The applicant(s) for an alcoholic beverage license must mail this notice to every resident of real property within a 500 foot radius of the premises (Section 23985.5 of the Business and Professions Code). The applicant must mail this notice within 15 days of posting the premises. Any protest against the issuance of the license(s) must be received at any office of the Department of Alcoholic Beverage Control (ABC) or Departmental Headquarters within 30 days of the date the premises are posted, or within 30 days of the mailing of this notification, whichever is later. To obtain a copy of the protest form, ABC-510-A, please contact your local ABC office or go online to [www.abc.ca.gov](http://www.abc.ca.gov).

Date of Mailing: 1/29/16 Date Premises Posted: 1/28/16

The below-named applicant(s) has applied for a license to sell alcoholic beverages at:

5631 N. Figueroa St  
Los Angeles, CA 90042-4101

Type of license(s) applied for:

47-On Sale General Eating Place

The name(s) of the applicant(s) is/are:

CAFE BIRDIE LLC

The dba (doing business as) is (if known):

Further information regarding this application or filing a protest may be obtained at:

**Department of Alcoholic Beverage Control**888 S. Figueroa St., Ste 320  
Los Angeles, CA 90017  
(213) 833-6043

150

1, 12 2016

Alcoholic Beverage Control

1, 12 2016

Los residentes o dueños que no hablen inglés por favor vean al reverso para mayor información.

非英語語系の居民或所有人，請參見背面資訊。

영어 구사 불가능 주민/소유주는 내용 확인을 위해 뒤면을 참조하십시오.

Cư dân/sở hữu chủ nào không nói tiếng Anh, xin xem mặt sau để biết chi tiết.

المقيمين/المالكين الذين لا يتكلمون اللغة الإنكليزية، رجاء مراجعة الصفحة الخلفية للحصول على المعلومات.

## NOTICE OF INTENTION TO ENFORCE IN THE SALE OF ALCOHOLIC BEVERAGES

ABC-207-E (9/05) Reverse

El solicitante de una licencia para bebidas alcohólicas debe enviar este aviso por correo a todos los residentes de bienes inmuebles en un radio de 500 pies del establecimiento (Sección 23985.5 del Código de Negocios y Profesiones). El solicitante debe enviar este aviso antes de 15 días a partir del registro del establecimiento. Toda protesta en contra de la expedición de la(s) licencia(s) debe ser recibida en cualquier oficina del Departamento de Control de Bebidas Alcohólicas (ABC) o en la Oficina Central del Departamento hasta 30 días a partir del registro del establecimiento o hasta 30 días a partir de haber enviado por correo esta notificación, la que sea fecha posterior. Para obtener un formulario de protesta, ABC-510-A, favor de comunicarse a la oficina del ABC de su localidad o conéctese por Internet en [www.abc.ca.gov](http://www.abc.ca.gov). Si requiere ayuda, haga el favor de comunicarse a la oficina del ABC que se menciona en la parte inferior de este formulario.

酒精飲料執照的申請人必須將本通知郵寄給在其營業場地半徑 500 呎範圍內設有不動產的每一位居民 (營業與職業法第 23985.5 條)。申請人必須在公告營業場地的 15 天內寄出本通知。如對執照的發放有任何反對意見，必須於公告營業場地的 30 天內或是寄出此通知的 30 天內 (以兩者中較晚的日期為準)，寄達酒精飲料管理局 (ABC) 的任意辦公室或總局。如需反對意見表 ABC-510-A，請與當地 ABC 辦公室聯絡，或造訪 [www.abc.ca.gov](http://www.abc.ca.gov)。如果您需要協助，請與本意見表底部所列的 ABC 辦公室聯絡。

주류취급면허 신청자는 점포 소지 반경 500 푸트 내의 모든 부동산 거주민에게 본 통지서를 우송해야 합니다(전문직업법 제23985.5항). 신청자는 점포 공고 15일 이내에 본 통지서를 우송해야 합니다. 해당 면허 발행에 대한 이의는 점포 공고 30일 이내 또는 본 통지서 우송 30일 이내 중 늦은 기간 안에 주류관리부(ABC)의 모든 사무소 또는 주류관리본부에 접수되어야 합니다. 이의 제기 양식 ABC-510-A 사본을 받으려면 해당 지역 ABC 사무소에 연락하거나 [www.abc.ca.gov](http://www.abc.ca.gov)를 방문하십시오. 도움이 필요하신 경우, 본 양식 하단에 나열되어 있는 ABC 사무소에 연락하십시오.

(Những) người đang xin giấy phép bán thức uống có rượu phải gửi thông báo này cho mỗi cư dân tại các bất động sản tọa lạc trong phạm vi bán kính 500 feet từ nơi bán (Đoạn 23985.5 Bộ Luật Thương Nghiệp và Nghề Nghiệp). Đương đơn phải gửi thông báo này trong vòng 15 ngày sau khi công bố địa điểm. Bất cứ trường hợp nào phản đối việc cấp (các) giấy phép đều phải nộp cho bất cứ văn phòng nào của Bộ Kiểm Soát Thức Uống Có Rượu (ABC) hoặc Trụ Sở của Bộ trong vòng 30 ngày sau ngày công bố địa điểm, hoặc trong vòng 30 ngày sau khi gửi thông báo này, tùy theo trường hợp nào xảy ra sau. Muốn xin mẫu phản đối, ABC-510-A, xin liên lạc với văn phòng ABC tại địa phương quý vị hoặc trên mạng tại [www.abc.ca.gov](http://www.abc.ca.gov). Xin liên lạc với văn phòng ABC ghi ở cuối mẫu này nếu quý vị cần được giúp.

على المتقدم/المتقدمين برخصة لبيع المشروبات الكحولية إرسال هذا الإشعار لكل صاحب ملك على بعد ٥٠٠ قدم حول المحل (الجزء 23985.5 من قانون المحلات التجارية والمهنية). على المتقدم بالطلب إرسال هذا الإشعار خلال ١٥ يوما من عرضه في المحل. يجب استلام أي احتجاج ضد إصدار الرخصة/الرخص من قبل أي مكتب تابع لإدارة مراقبة المشروبات الكحولية (Alcoholic Beverage Control) أو المقر الرئيسي الإداري خلال ٣٠ يوما من تاريخ عرض الإشعار في المحل التجاري، أو خلال ٣٠ يوما من إرسال هذا الإشعار بالبريد، أيهما حدث لاحقاً. للحصول على نسخة من نموذج الاحتجاج، ABC-510-A، يرجى الاتصال بمكتب مراقبة المشروبات الكحولية المحلي أو عن طريق الموقع الإلكتروني على الإنترنت [www.abc.ca.gov](http://www.abc.ca.gov). يرجى الاتصال بمكتب مراقبة المشروبات الكحولية المحلي المبين في أسفل هذا النموذج إذا احتجت للمساعدة.



Occupant  
110 N Avenue 56  
Los Angeles, California 90042

Occupant  
112 N Avenue 56  
Los Angeles, California 90042

Occupant  
118 N Avenue 56  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #1  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #2  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #3  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #4  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #5  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #6  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #7  
Los Angeles, California 90042

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116 N Avenue 56 #8  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #9  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #10  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #11  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #12  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #13  
Los Angeles, California 90042

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116 N Avenue 56 #14  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #15  
Los Angeles, California 90042

Occupant  
116 N Avenue 56 #16  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #1  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #2  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #3  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #4  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #5  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #6  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #7  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #8  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #9  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #10  
Los Angeles, California 90042

Occupant  
128 N Avenue 56 #11  
Los Angeles, California 90042

Occupant  
137 S Avenue 56  
Los Angeles, California 90042

Occupant  
139 S Avenue 56  
Los Angeles, California 90042

Occupant  
134 S Avenue 57  
Los Angeles, California 90042

Occupant  
128 S Avenue 57 #1  
Los Angeles, California 90042

Occupant  
128 S Avenue 57 #2  
Los Angeles, California 90042

Occupant  
128 S Avenue 57 #3  
Los Angeles, California 90042

Occupant  
128 S Avenue 57 #4  
Los Angeles, California 90042

Occupant  
128 S Avenue 57 #5  
Los Angeles, California 90042

Occupant  
111 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
129 N Avenue 56  
Los Angeles, California 90042

Occupant  
134 N Avenue 56  
Los Angeles, California 90042

Occupant  
129 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
131 N Avenue 56  
Los Angeles, California 90042

Occupant  
131 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
132 N Avenue 57  
Los Angeles, California 90042

Occupant  
132 1/2 N Avenue 57  
Los Angeles, California 90042

Occupant  
134 N Avenue 57  
Los Angeles, California 90042

Occupant  
134 1/2 N Avenue 57  
Los Angeles, California 90042

Occupant  
127 N Avenue 56  
Los Angeles, California 90042

Occupant  
127 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
125 N Avenue 56 #1  
Los Angeles, California 90042

Occupant  
125 N Avenue 56 #2  
Los Angeles, California 90042

Occupant  
125 N Avenue 56 #3  
Los Angeles, California 90042

Occupant  
125 N Avenue 56 #4  
Los Angeles, California 90042

Occupant  
126 N Avenue 57  
Los Angeles, California 90042

Occupant  
128 N Avenue 57  
Los Angeles, California 90042

Occupant  
128 1/2 N Avenue 57  
Los Angeles, California 90042

Occupant  
130 N Avenue 57  
Los Angeles, California 90042

Occupant  
130 1/2 N Avenue 57  
Los Angeles, California 90042



Occupant  
109 N Avenue 56  
Los Angeles, California 90042

Occupant  
109 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
111 N Avenue 56  
Los Angeles, California 90042

Occupant  
206 N Avenue 57  
Los Angeles, California 90042

Occupant  
206 1/2 N Avenue 57  
Los Angeles, California 90042

Occupant  
208 N Avenue 57  
Los Angeles, California 90042

Occupant  
208 1/2 Avenue 57  
Los Angeles, California 90042

Occupant  
212 N Avenue 57  
Los Angeles, California 90042

Occupant  
214 N Avenue 57  
Los Angeles, California 90042

Occupant  
203 N Avenue 57  
Los Angeles, California 90042

Occupant  
205 N Avenue 57  
Los Angeles, California 90042

Occupant  
207 N Avenue 57  
Los Angeles, California 90042

Occupant  
209 N Avenue 57  
Los Angeles, California 90042

Occupant  
211 N Avenue 57  
Los Angeles, California 90042

Occupant  
201 N Avenue 56  
Los Angeles, California 90042

Occupant  
207 N Avenue 56  
Los Angeles, California 90042

Occupant  
207 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
209 N Avenue 56  
Los Angeles, California 90042

Occupant  
209 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
211 N Avenue 56  
Los Angeles, California 90042

Occupant  
211 1/2 N Avenue 56  
Los Angeles, California 90042

Occupant  
5711 E Marmion Way  
Los Angeles, California 90042

Occupant  
5715 E Marmion Way  
Los Angeles, California 90042

Occupant  
5719 E Marmion Way  
Los Angeles, California 90042

Occupant  
5723 E Marmion Way  
Los Angeles, California 90042

Occupant  
5727 E Marmion Way  
Los Angeles, California 90042

Occupant  
200 N Avenue 57  
Los Angeles, California 90042

Occupant  
202 N Avenue 57  
Los Angeles, California 90042

Occupant  
204 N Avenue 57  
Los Angeles, California 90042

**LICENSED PREMISES DIAGRAM (RETAIL)**

1. APPLICANT NAME (Last, first, middle)

Cafe Birdie, LLC

2. LICENSE TYPE

47

3. PREMISES ADDRESS (Street number and name, city, zip code)

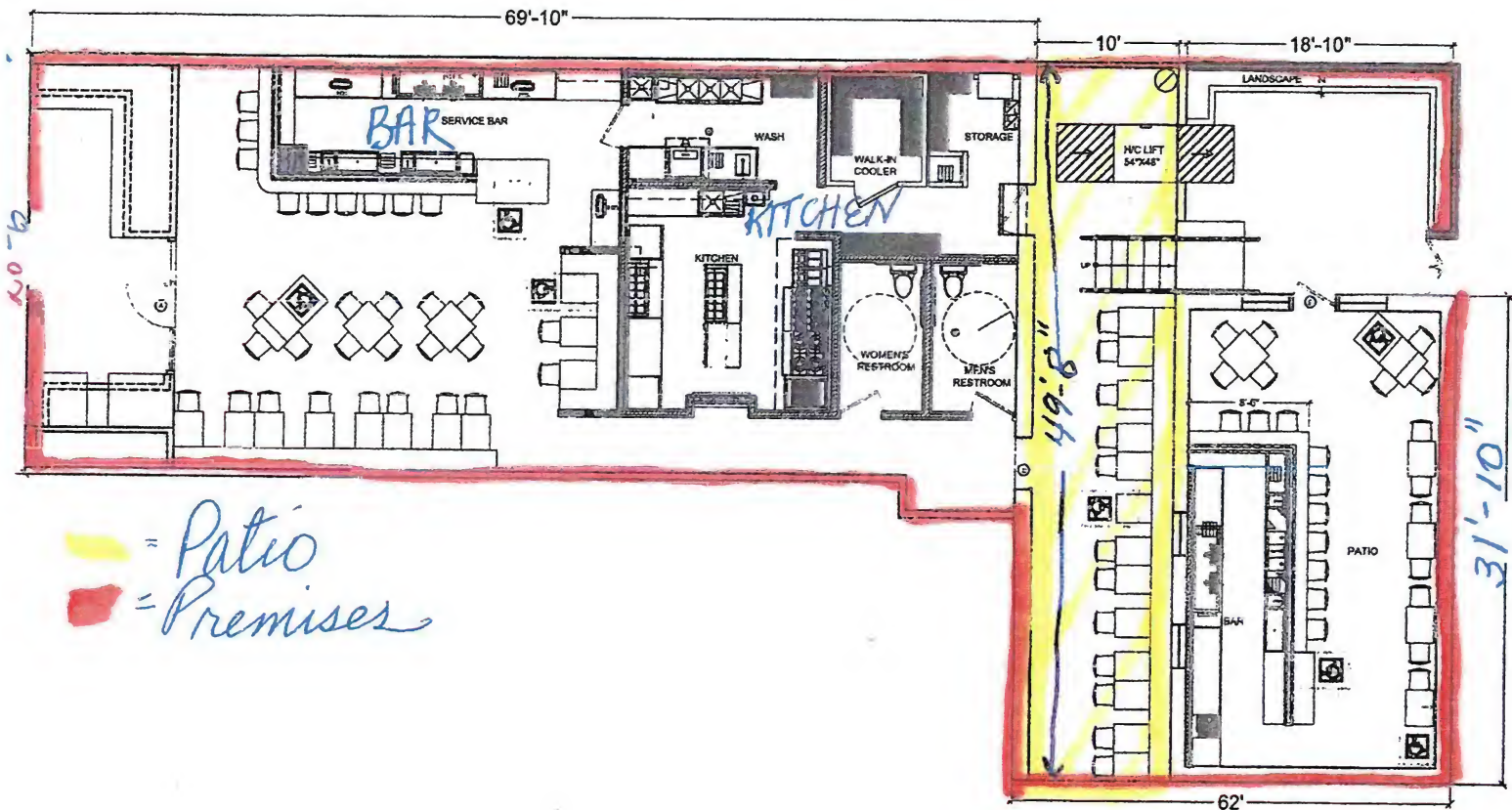
5631 N. Figueroa St., Los Angeles, CA 90042

4. NEAREST CROSS STREET

Avenue 57

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

**DIAGRAM**



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

1-8-2016

CERTIFIED CORRECT

(Signature)

FOR ABC USE ONLY

PRINTED NAME

INSPECTION DATE

1/28/16

ABC-257 (5/05)



Department of Alcoholic Beverage Control  
**PLANNED OPERATION (RETAIL)**

**SECTION I - FOR ALL RETAIL APPLICANTS**

1. APPLICANT NAME(S) <b>Café Birdie, LLC</b>				2. LICENSE TYPE(S) <b>47</b>			
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>5631 N. Figueroa St., Los Angeles, CA 90042</b>				4. NEAREST CROSS STREET <b>Avenue 57</b>			
5. TYPE OF BUSINESS (Choose one that best describes the planned operation)							
<input checked="" type="checkbox"/> Full Service Restaurant		<input type="checkbox"/> Cafeteria/Hofbrau		<input type="checkbox"/> Cocktail Lounge		<input type="checkbox"/> Private Club	
<input type="checkbox"/> Deli or Specialty Restaurant		<input type="checkbox"/> Comedy Club		<input type="checkbox"/> Night Club		<input type="checkbox"/> Veterans Club	
<input type="checkbox"/> Cafe/Coffee Shop		<input type="checkbox"/> Brew Pub		<input type="checkbox"/> Tavern		<input type="checkbox"/> Fraternal Club	
<input type="checkbox"/> Bed & Breakfast		<input type="checkbox"/> Theater		<input type="checkbox"/> Wine Tasting Room			
<input type="checkbox"/> Supermarket		<input type="checkbox"/> Membership Store		<input type="checkbox"/> Service Station		<input type="checkbox"/> Swap Meet/Flea Market	
<input type="checkbox"/> Liquor Store		<input type="checkbox"/> Department Store		<input type="checkbox"/> Convenience Market		<input type="checkbox"/> Drive-in Dairy	
<input type="checkbox"/> Variety/Drug Store		<input type="checkbox"/> Gift Shop/Florist		<input type="checkbox"/> Convenience Market w/Gasoline			
<input type="checkbox"/> Other - describe:							
6. PATRON CAPACITY  <b>161</b>		7. SURROUNDING AREA <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other		8. PREMISES IS LOCATED IN <input type="checkbox"/> Free Standing Building <input type="checkbox"/> Shopping Center (Name): <input type="checkbox"/> 10 Units or Less <input type="checkbox"/> More than 10 Units			
9. FOOD SERVICE <input type="checkbox"/> None <input type="checkbox"/> Minimal <input checked="" type="checkbox"/> Full Meals		10. PARKING LOT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		11. PATIO? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		12. WILL YOU HIRE A MANAGER? (Rule 57.5) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
14. MEAL TYPE <input checked="" type="checkbox"/> Dinner House <input type="checkbox"/> Seafood <input type="checkbox"/> Fast Food/Deli <input type="checkbox"/> Other: <input type="checkbox"/> Pizza/Pasta		15. TYPE OF FOOD <input checked="" type="checkbox"/> American <input type="checkbox"/> Greek <input type="checkbox"/> Indian <input type="checkbox"/> French <input type="checkbox"/> Chinese <input type="checkbox"/> Korean <input type="checkbox"/> Italian <input type="checkbox"/> Thai <input type="checkbox"/> Japanese <input type="checkbox"/> Other:				16. HOURS OF FOOD SERVICE BREAKFAST HOURS From: 7:00 am To: 11:00 am LUNCH HOURS From: 11:00 am To: 5:00 pm DINNER HOURS From: 5:00 pm To: 2:00 am	
17. OPERATING HOURS							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am
Closing Time	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am
18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterisk (*) below)							
<input type="checkbox"/> None		<input type="checkbox"/> *Amplified Music		<input type="checkbox"/> Patron Dancing		<input type="checkbox"/> Card Room	
<input type="checkbox"/> Recorded Music		<input type="checkbox"/> *Live Entertainment		<input type="checkbox"/> Bikini/Topless/Exotic		<input type="checkbox"/> Movies	
<input type="checkbox"/> Juke Box		<input type="checkbox"/> *Floor/Stage Shows		<input type="checkbox"/> Pool/Billiard Tables		<input type="checkbox"/> "Hot Spot"/Lottery	
<input type="checkbox"/> *Other		<input type="checkbox"/> Karaoke		<input type="checkbox"/> *Amateur/Pro Sports Events		<input type="checkbox"/> Video/Coin-Operated Games	
*Description:							
19. PREMISES IS LOCATED ON <input checked="" type="checkbox"/> Major Thoroughfare <input type="checkbox"/> Secondary Street <input type="checkbox"/> Other				20. TYPE OF STRUCTURE <input checked="" type="checkbox"/> Single Story <input type="checkbox"/> Two-Story <input type="checkbox"/> Multi-Story - Number of stories:			
21. PASS-THROUGH WINDOW? <input type="checkbox"/> Yes <input type="checkbox"/> No		22. FIXED BARS? <input checked="" type="checkbox"/> Yes - how many: <u>2</u> <input type="checkbox"/> No		23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES? <b>45%</b>			
<b>FOR ABC USE ONLY</b>							
24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)						25. DATE ENTERED INTO CABIN	

Department of Alcoholic Beverage Control  
**SUPPLEMENTAL DIAGRAM**

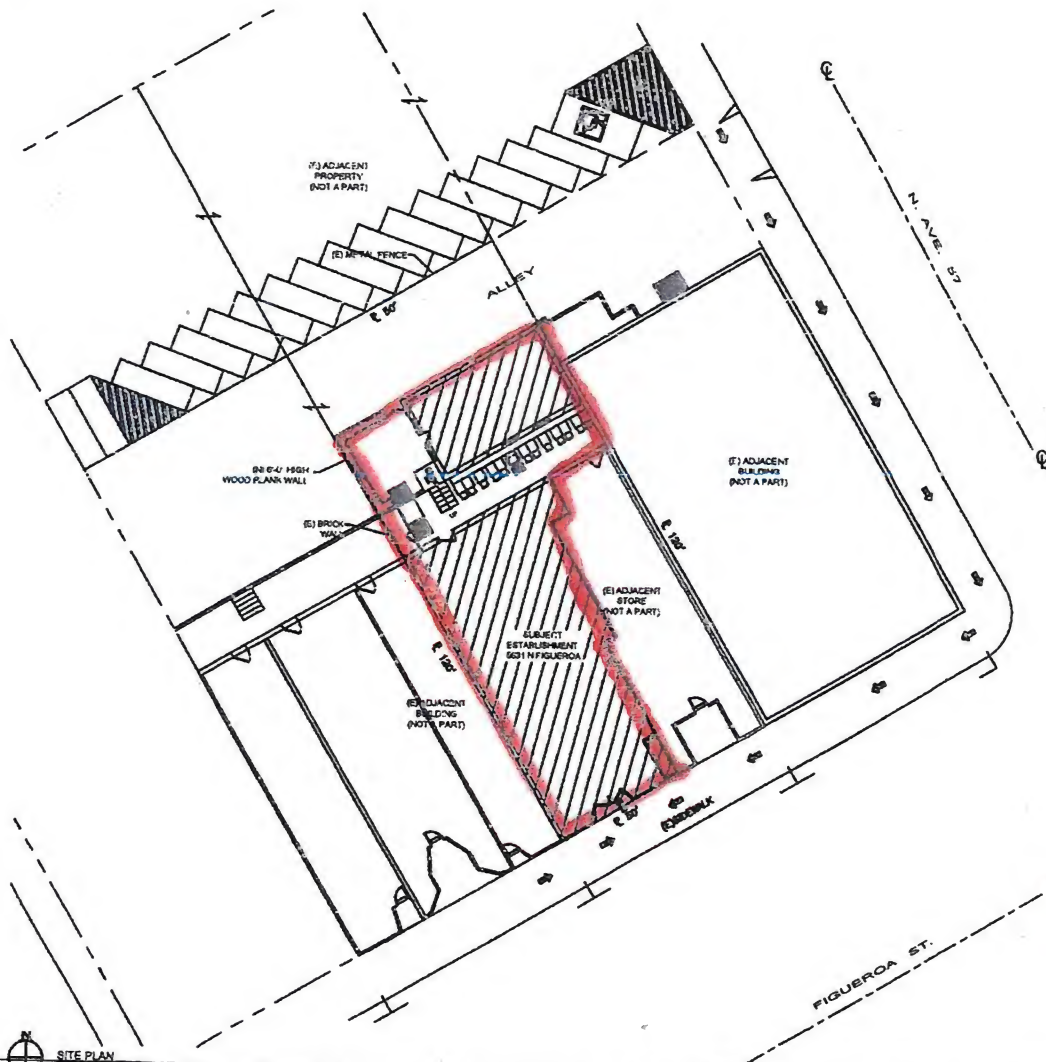
State of California  
 Edmund G. Brown Jr., Governor

**Instructions to Applicant:**

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. *If this is an event for a daily license, catering authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.*

1. APPLICANT NAME (Last, first, middle) <b>Cafe Birdie, LLC</b>	2. LICENSE TYPE <b>47</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>5631 N. Figueroa St., Los Angeles, CA 90042</b>	4. NEAREST CROSS STREET <b>Avenue 57</b>

**DIAGRAM**



**[Red Outline] = Premise**

I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE <i>[Signature]</i>	DATE SIGNED <b>1-9-2016</b>
FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature) <i>[Signature]</i>	INSPECTION DATE <b>1/28/16</b>
PRINTED NAME <b>MARGOT HOFFMAN</b>	



# **CERTIFICATION RE CHAPTER 15 TIED-HOUSE RESTRICTIONS**

**Instructions**

- Type or print clearly in black or blue ink (do not use red).
- This form is to be completed by all applicants, retail and non-retail.
- This form is used to ensure compliance with tied-house laws, which generally prohibit or restrict vertical integration. These laws prohibit vertical integration of the three levels of the alcoholic beverage industry (manufacturer, wholesaler, and retailer). (Section 25500, et seq., Business & Professions Code.)

**License Applicant Name (Item 1)** -- Enter the name of the license applicant. For a limited partnership, limited liability company, or a corporation, the name of the entity.

**License Type (Item 2)** -- Enter the numeric designation for the applied-for license (e.g., Type 21) or a description (e.g., Off-Sale General).

**Premises Address (Item 3)** -- Enter the location of the proposed business.

**Applicant Entity (Item 4)** -- Check the box for the type of business ownership.

**Certification (Items 5 & 6)** -- Check the boxes that apply and explain ownerships, interests, gifts or loans.

**Signature (Item 7)** -- Any one signature for the certifying entity is sufficient (e.g., one general partner; one corporate officer; an LLC member, if member-run; the LLC manager, if manager-run; or LLC officer, if designated).

1. LICENSE APPLICANT NAME <b>Cafe Birdie, LLC</b>		2. LICENSE TYPE <b>47</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>5631 N. Figueroa St., Los Angeles, CA 90042</b>		
4. APPLICANT ENTITY <input type="checkbox"/> SOLE PROPRIETOR <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> LIMITED LIABILITY COMPANY <input type="checkbox"/> CORPORATION		
5. CERTIFICATION		

**Retail License Applicant**

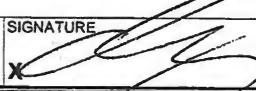
- ☒ The above applicant, and/or any entity or person holding any direct or indirect ownership, management, or other interest in the applicant, and/or any entity or person in which the applicant holds any direct or indirect ownership, management, or other interest (including loans, loan guarantees and other indebtedness):
- ☐ does ☒ does not hold any ownership or interest, directly or indirectly, in the business, property, license, or management of any alcoholic beverage producer, rectifier, importer, or wholesaler, in California or elsewhere.

**Non-Retail License Applicant**

- ☐ The above applicant, and/or any entity or person holding any direct or indirect ownership, management, or other interest in the applicant, and/or any entity or person in which the applicant holds any direct or indirect ownership, management, or other interest (including loans, loan guarantees and other indebtedness):
- ☐ does ☐ does not hold any ownership, directly or indirectly, in any retail license, or in the premises upon which such retail license is located, or in the furniture, fixtures or equipment in such business.
- ☐ is ☐ is not an agent or employee of a retail licensee.
- ☐ has ☐ has not furnished, given or loaned any money or other thing of value, directly or indirectly, to a retail licensee, or guaranteed the repayment of any loan or obligation owed by such retail licensee.
- ☐ does ☐ does not have an interest in the manufacture, importation, or distribution of distilled spirits products in California or elsewhere.

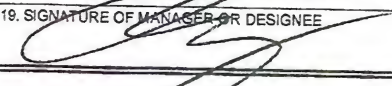
6. EXPLAIN DETAILS IF YOU CHECKED "IS", "DOES" OR "HAS" IN ITEM 5.

I have read all of the above information and certifications and declare under penalty of perjury they are true, correct, and complete.

7. PRINTED NAME OF PERSON SIGNING FORM <b>Wade McElroy</b>	TITLE <b>Manager</b>	SIGNATURE 	DATE SIGNED <b>1-8-2016</b>
---	-------------------------	---	--------------------------------

**LIMITED LIABILITY COMPANY QUESTIONNAIRE**

**Instructions:** An individual managing member or designee may sign on behalf of the limited liability company.  
Attach a copy of original operating agreement and all amendments.

1. LIMITED LIABILITY COMPANY NAME <b>Cafe Birdie, LLC</b>		2. TELEPHONE NUMBER	
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>5631 N. Figueroa St., Los Angeles, CA 90042</b>			
4. COMPANY HEADQUARTERS ADDRESS (Street number and name, city, state, zip code) [REDACTED]		5. HEADQUARTERS TELEPHONE NUMBER	
6. COMPANY ATTORNEY'S NAME <b>Jordan Bernstein</b>		7. ATTORNEY'S TELEPHONE NUMBER <b>310 564-2670</b>	
8. COMPANY ATTORNEY'S ADDRESS (Street number and name, city, state, zip code) <b>10880 Wilshire Blvd., 19th Floor, Los Angeles, CA 90024</b>			
9. DATE LLC-1 FILED WITH SECRETARY OF STATE <b>6/8/2015</b>	10. STATE WHERE LLC-1 FILED WITH SECRETARY OF STATE <b>CA</b>	11. STATE WHERE LLC FORMED <b>CA</b>	12. ARTICLES OF ORGANIZATION (LLC-2 OR LLC-10) HAS BEEN AMENDED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
13. OPERATING AGREEMENT DATE <b>11/11/2015</b>		14. LAST AMENDMENT DATE <b>10/6/2015</b>	
15. The Limited Liability Company will be managed by (check one) <input type="checkbox"/> One Manager <input checked="" type="checkbox"/> More than one Manager <input type="checkbox"/> Members <input type="checkbox"/> Single Member			
16. NAME OF MANAGER(S)			
MANAGER PRINTED NAME <b>Wade McElroy</b>		MANAGER PRINTED NAME <b>Russell Malixi</b>	
MANAGER PRINTED NAME		MANAGER PRINTED NAME	
17. NAME OF OFFICERS AUTHORIZED BY ARTICLES OR AGREEMENT			
OFFICER PRINTED NAME		OFFICER PRINTED NAME	
OFFICER PRINTED NAME		OFFICER PRINTED NAME	
18. LIST ALL MEMBERS			
MEMBER'S PRINTED NAME <b>Wade McElroy</b>	PERCENTAGE OF OWNERSHIP [REDACTED]	EFFECTIVE DATE [REDACTED]	
MEMBER'S PRINTED NAME <b>Russell Malixi</b>	PERCENTAGE OF OWNERSHIP [REDACTED]	EFFECTIVE DATE [REDACTED]	
MEMBER'S PRINTED NAME <b>Tapan Maniar</b>	PERCENTAGE OF OWNERSHIP [REDACTED]	EFFECTIVE DATE [REDACTED]	
MEMBER'S PRINTED NAME <b>David Segura</b>	PERCENTAGE OF OWNERSHIP [REDACTED]	EFFECTIVE DATE [REDACTED]	
MEMBER'S PRINTED NAME <b>Neil Stevens</b>	PERCENTAGE OF OWNERSHIP [REDACTED]	EFFECTIVE DATE [REDACTED]	
I hereby certify that the above are the present managers, officers, and members of the limited liability company and that each such manager, officer, and member is the real party in interest with respect to his or her position and is not acting, directly or indirectly as an agent, employee or representative of any other person not reported to the Department. The provisions of sections 23405.2 and 23405.3 of the Business and Professions Code are hereby acknowledged and it is understood that changes within the limited liability company and/or entities holding interest in the limited liability company will be reported to the Department as required.			
19. SIGNATURE OF MANAGER OR DESIGNEE 		PRINTED NAME <b>Wade McElroy</b>	DATE SIGNED <b>1-8-2016</b>

(Use reverse for additional names if needed)



[illegible]

LLC-2

# Amendment to Articles of Organization of a Limited Liability Company (LLC)

To change information of record for your California LLC, you can fill out this form, and submit for filing along with:

- A \$30 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.
- To file this form, the status of your LLC must be active on the records of the California Secretary of State, or if suspended, this form can only be filed to list a new LLC name. To check the status of the LLC, go to [kepler.sos.ca.gov](http://kepler.sos.ca.gov).

**Important!** To change the LLC addresses, or to change the name or address of the LLC's agent for service of process, you must file a Statement of Information (Form LLC-12). To get Form LLC-12, go to [www.sos.ca.gov/business/be/statements.htm](http://www.sos.ca.gov/business/be/statements.htm).

Items 4-6: Only fill out the information that is changing. Attach extra pages if you need more space or need to include any other matters.

**FILED**  
Secretary of State  
State of California

OCT 06 2015

lcc This Space For Office Use Only

For questions about this form, go to [www.sos.ca.gov/business/be/filing-tips.htm](http://www.sos.ca.gov/business/be/filing-tips.htm).

① **LLC's Exact Name** (on file with CA Secretary of State)

Cafe Birdie, LLC

② **LLC File No.** (issued by CA Secretary of State)

201515910484

## Purpose

- ③ The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

**New LLC Name** (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

④

Proposed LLC Name

The proposed new name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company.

## Management (Check only one.)

- ⑤ The LLC will be managed by:

☐ One Manager

☒ More Than One Manager

☐ All Limited Liability Company Member(s)

**Amendment to Text of the Articles of Organization** (List both the current text, and the text as amended by this filing.)

⑥

**Read and sign below:** Unless a greater number is provided for in the Articles of Organization, this form must be signed by at least one manager, if the LLC is manager-managed or at least one member, if the LLC is member-managed. If the signing manager or member is a trust or another entity, go to [www.sos.ca.gov/business/be/filing-tips.htm](http://www.sos.ca.gov/business/be/filing-tips.htm) for more information. If you need more space, attach extra pages that are 3-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are part of this document.

Sign here

Wade McElroy  
Print your name here

LLC manager  
Your business title

Make check/money order payable to: **Secretary of State**  
Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

**By Mail**  
Secretary of State  
Business Entities, P.O. Box 944228  
Sacramento, CA 94244-2280

**Drop-Off**  
Secretary of State  
1500 11th Street, 3rd Floor  
Sacramento, CA 95814



LLC-1

# Articles of Organization of a Limited Liability Company (LLC)

201515910484

To form a limited liability company in California, you can fill out this form, and submit for filing along with:

- A \$70 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.

**Important!** LLCs in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to <https://www.ftb.ca.gov>.

LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.

**FILED**  
Secretary of State  
State of California

JUN 08 2015

This Space For Office Use Only

For questions about this form, go to [www.sos.ca.gov/business/be/filing-tips.htm](http://www.sos.ca.gov/business/be/filing-tips.htm).

**LLC Name** (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

① CAFE BIRDIE, LLC

Proposed LLC Name

The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to [www.sos.ca.gov/business/be/name-availability.htm](http://www.sos.ca.gov/business/be/name-availability.htm).

## Purpose

- ② The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

## LLC Addresses

③ a. [Redacted]  
Initial Street Address of Designated Office in CA - Do not list a P.O. Box City (no abbreviations) State Zip

b. [Redacted]  
Initial Mailing Address of LLC, if different from 3a City (no abbreviations) State Zip

**Service of Process** (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any adult who lives in California. You may not list an LLC as the agent. Do not list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

④ a. Wade McElroy  
Agent's Name

b. [Redacted]  
Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box City (no abbreviations) State Zip

## Management (Check only one.)

- ⑤ The LLC will be managed by:
- ☒ One Manager ☐ More Than One Manager ☐ All Limited Liability Company Member(s)

This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.

Organizer Sign here

Wade McElroy  
Print your name here

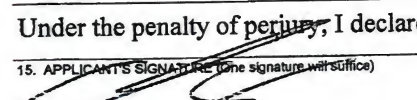
Make check/money order payable to: Secretary of State  
Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

**By Mail**  
Secretary of State  
Business Entities, P.O. Box 944228  
Sacramento, CA 94244-2280

**Drop-Off**  
Secretary of State  
1500 11th Street, 3rd Floor  
Sacramento, CA 95814



**ZONING AFFIDAVIT***Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.*

1. APPLICANT(S) NAME (Last, first, middle) <b>Cafe Birdie, LLC</b>		
2. PREMISES ADDRESS (Street number and name, city, zip code) <b>5631 N. Figueroa St., Los Angeles, CA 90042</b>		3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) <b>5468033021</b>
4. TYPE OF LICENSE APPLIED FOR <b>47</b>	5. UPGRADE OF LICENSED PRIVILEGES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.) <b>Restaurant</b>		6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY <b>None</b>
8. ARE THE PREMISES INSIDE THE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., "C" commercial, "R" residential, etc.) <b>[Q]C4-2D-HPOZ</b>		
10. DOES ZONING PERMIT INTENDED USE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		11. IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED? (If yes, please attach copy of receipt or C.U.P.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P. <b>10/19/2015</b>		
13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT <b>Rony Giron</b>		14. PLANNER'S PHONE NUMBER <b>213 978-1308</b>
Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.		
15. APPLICANT'S SIGNATURE (Ink signature with suffice) 		16. DATE SIGNED <b>1-8-2016</b>

**FOR DEPARTMENT USE ONLY**

<input type="checkbox"/> C.U.P. Approved	IF APPROVED, EFFECTIVE DATE	FILE NUMBER
<input type="checkbox"/> C.U.P. Denied	DATE DENIED	

**GENERAL INFORMATION**

•Section 23790 of the Business and Professions Code says that ABC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

•A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUP's are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

**23790. Zoning ordinances.** No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city.

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

- (a) The premises retain the same type of retail liquor license within a license classification.
- (b) The licensed premises are operated continuously without substantial change in mode or character of operation. For purposes of this subdivision, a break in continuous operation does not include:
  - (1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.
  - (2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.

*Effectuated  
See attached  
CUP approved*



LIAN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS  
JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
JAE H. KIM  
ALETA D. JAMES  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

VINCENT P. BERTONI, AICP  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION  
200 N. SPRING STREET, 7TH FLOOR  
LOS ANGELES, CA 90012  
(213) 978-1318  
FAX: (213) 978-1334  
www.planning.lacity.org

April 1, 2016

Wade McElroy (A)  
Café Birdie



Cyrus Etemad (O)  
Accipiter Investments, LLC  
1816 Silverwood Terrace  
Los Angeles, CA 90026

Margaret Taylor (R)  
Apex LA  
5419 Hollywood Blvd., Suite C747  
Los Angeles, CA 90027

CASE NO. ZA-2015-3764(CUB)  
CONDITIONAL USE PERMIT  
5631 North Figueroa Street  
Planning Area: Northeast Los Angeles  
Zone: [Q]C4-2D-HPOZ  
C.D.: 1  
D.M.: 151-5A229  
CEQA: ENV-2015-3765-CE  
Legal Description: Lot FR 14, FR 15;  
Block: 13; Tract: Subdivision of Certain  
lots ins Highland Park Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W 1, I hereby APPROVE:

a Conditional Use Permit to allow the sale and dispensation of a full line of alcoholic beverages for on-site consumption at a new restaurant in the [Q]C4-2D-HPOZ Zone.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning

Cafe Birdie



Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Authorized herein is the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,543 square-foot restaurant and bar with a 330 square-foot outdoor dining area, subject to the following limitations:
  - a. The front restaurant shall be limited to approximately 1,981 square-feet. Seating shall be limited to a maximum of 75 indoor seats provided that the number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
  - b. The rear bar shall be limited to approximately 562 square-feet. Seating shall be limited to approximately 52 seats, provided that the number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
  - c. The outdoor dining area (between the restaurant and the bar) shall be limited to approximately 330 square-feet with approximately 34 seats, as permitted by the Department of Building and Safety.
  - d. Building permits to change the use into restaurant (front building) and bar (rear building), and to use the exterior portion between the two buildings as an outdoor dining/bar area shall be obtained from the Department of Building and Safety prior to the effectuation of this grant.
  - e. Hours of operation for the establishment shall be as follows:
    - 7:00 a.m. to 1:00 a.m. Monday through Thursday
    - 7:00 a.m. to 2:00 a.m. Friday and Saturday
    - 7:00 a.m. to 12:00 a.m. Sunday
7. The authorization granted herein for the on-site sale and dispensing of a full line of alcoholic beverages for on-site consumption is for a period of five (5) years from the effective date of this grant. Thereafter, a new authorization will be required. The applicant is advised that he/she should allow appropriate time for a new



entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of alcoholic beverages at the restaurant.

8. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.
9. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
10. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music or live entertainment from a disc jockey shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner and exceeds the decibel level permitted by the city's Noise Ordinance shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
11. Entertainment in conjunction with the restaurant is limited to a 3-musician live band without amplified sound (acoustic). Amplified ambience music played by restaurant employees to compliment the dining experience, shall be limited to background music at a low volume such that it is not audible beyond the premises. Independent, professional or amateur disc jockeys are not allowed.



12. No pool or billiard tables, coin operated games, or video machines shall be maintained on the premises at any time.
13. Public dancing is prohibited.
14. Karaoke is prohibited.
15. There shall be no patron or employee dancing or entertainment involving Section 12.70 "Adult Entertainment" use, nude or obscene presentations including, but not limited to wet T-shirt contests, mud or oil wrestling, exotic dancing and/or lap dancing.
16. **Prior to the beginning of operations**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use. A copy of the purchase receipt and photographs of the device shall be provided to the CCU for inclusion in the case file.
17. **Within the first six months of the beginning of operations** at this establishment, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2015-3764(CUB), from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
18. The applicant shall not permit any loitering on the premises or on property adjacent to the subject premises. The applicant shall post a sign at any access door to the gasoline service station that said parties be respectful of area residents and refrain from conduct that would otherwise disturb adjoining properties. The sign shall be posted in a location that is readily visible within public view of a size not less than 12 inches by 12 inches. **Prior to the effectuation of this grant**, the Applicant shall provide photographs of the sign postings to the Condition Compliance Unit for inclusion in the case file.
19. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
20. The applicant shall maintain a log of all calls, detailing: (1) date complaint received, (2) nature of complaint; and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the



operation is submitted to the Department. Complaints shall be responded to within twenty four hours. **Prior to the effectuation of this grant**, the applicant shall provide photographs of the sign postings and a copy of the log to the Condition Compliance Unit for inclusion in the case file.

21. **Prior to the beginning day of operations**, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
  - Entry, visible to pedestrians
  - Customer service desk, front desk or near the hostess station
22. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms.
23. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. **Prior to the beginning of operations**, the Applicant shall provide a copy of its standard contract related to private parties or events to the CCU for inclusion in the case file.

*The total number of guests shall not exceed the maximum occupancy determined by the Fire Department or Building and Safety. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. ZA-2014-3764-CUB, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.*

24. **Prior to the beginning of operations**, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copies of the Certificate of Occupancy within 30 days of their issuance for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject: **"ZA-2014-3764-CUB/Operation Notification"**. The applicant shall also submit evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.



25. **Prior to the effectuation of this grant**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit. The statement shall state,

*We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages, in conjunction with the restaurant, known as Birdie and agree to abide and comply with said conditions.*

A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

26. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the CCU in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the CCU within 30-days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
27. **Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
28. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**  
Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to, in whole or in part, or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the



approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- (ii) Reimburse the City for any and all costs incurred in defense of an action related to, in whole or in part, or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its



representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.



**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **APRIL 18, 2016**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street, 4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Boulevard, Rm. 251  
Van Nuys, CA 91401  
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Planning Staff assigned to the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the testimony presented at the public hearing on December 17, 2015, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W 1 have been established by the following facts:



**BACKGROUND**

The subject property is a flat, rectangular, 6,000 square-foot interior lot with an approximately 50-foot frontage along Figueroa Street and a depth of 120 feet (Lot Fr 15). The lot where the proposed restaurant is to be established is tied to Lot FR 14 (Assessor's Parcel Number 5468-033-021). The owner of this property also owns the lot immediately to the south FR 13 (Assessor's Parcel Number 5468-033-020). Notification requirements from all the contiguous properties under the same ownership were considered. The required 500 ft. radius notification were taken from the property boundaries of all the contiguous lots under the same ownership.

The property is currently developed with a one-story commercial building with an approximate floor area of 1,981 sq. ft. and a 330 sq. ft. storage shed at the rear of the site. The retail building is separated by 10 feet from the storage shed. Building permits from the Department of Building and Safety requesting change of uses for the retail space to a restaurant and the storage shed to a bar were recently requested by the applicant.

The applicant is requesting the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed restaurant/bar seating a total of 161 patrons. The requested hours of operation for the restaurant/bar are from 7:00 a.m. to 2:00 a.m. daily. Notwithstanding, the LAPD has recommended that the restaurant cease operations at 1:00 a.m.

The zoning and land uses within 500 feet of the property reflect a combination of residential, commercial and government uses. The properties to the south, east and west are zoned [Q]C4-2D-HPOZ and developed with one to three-story commercial uses. The properties to the north are zoned PF-2D-HPOZ and [Q]C4-2D-HPOZ and developed with one- to three-story multi-family dwellings and city owned on-grade/surface parking lot.

The C4 Zone for the site contains a Permanent Qualified Condition designation which was established by Ordinance No. 174,665 SA4075C; effective August 18, 2002. The Qualification prohibits new development to be 100 percent residential and limits residential density to that permitted in the RD1.5 zone classification.

The subject property is located within the Northeast Los Angeles Community Plan Map which designates the property for Neighborhood Commercial land uses with corresponding C1, C1.5, P, C2, C4 and RAS3 Zones. The property is zoned [Q]C4-2D-HPOZ. The property is located within the Avenue 57 Transit Oriented District and the Highland Park-Garvanza Historic Preservation Overlay Zone. The subject project will not affect any of the specific plan nor the historic overlay district.

Figueroa Street, is designated as an Avenue I in the Mobility Plan 2035. Figueroa Street is dedicated to a width of 94 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk.



**Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:**

Permit No. 15016-10000-21868 - On October 8, 2015, the applicant submitted a building permit to convert the existing retail space to restaurant and to establish an uncovered portion to outdoor dining at the ground floor. No change in parking standards was required, the site is within a state enterprise zone.

Permit No. 15016-10000-21873 - On October 8, 2015, the applicant submitted a building permit to change the use of a storage building to a bar. No change in parking standards was required, the site is within a state enterprise zone.

DIR-2014-4120-CWC - On November 11, 2014, the Director of Planning approved a Conforming Work to a contributing element (the subject site) within the Highland Park-Garvanza Historic Preservation Overlay Zone. The project approved consists of façade renovation and new signage, restoration of ornamentation and architectural details on the building's exterior façade.

Case No. CPC 99-523-SP - On February 5, 2003, the City Council approved Height District Changes to permit floor area ratios of up to 3:1 for specific mixed-use, commercial, and public facility projects.

The subject property was changed to [Q]C4-2D-HPOZ (Ordinance No. 175,088; effective April 1, 2003)

Case No. CPC 22490 - On June 12, 2002, the City Council approved Zone and Height District Changes for the Northeast Los Angeles Community Plan. The subject property was changed from C2-1 to [Q]C4-1-VL-HPOZ and a Permanent Qualified Condition was imposed which prohibited one hundred percent (100%) residential development and limited residential density to the RD1.5-1 zone. (Ordinance No. 174,665 SA4075C; effective August 18, 2002).

**Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:**

Case No. ZA-2015-1871-CUB - On September 25, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a bar with hours of operation from 5:00 p.m. to 1:00 a.m., Monday thru Thursday, 5:00 p.m. to 2:00 a.m., Friday and Saturday, and 5:00 p.m. to 12:00 a.m. on Sunday, in the [Q]C4-2D-HPOZ Zone.

Case No. ZA-2014-4839-CUB - On April 29, 2015, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a proposed 3,990 square-foot restaurant in the C2-2D-HPOZ Zone, located at 5916 North Figueroa Street.

Case No. ZA-2014-4842-CUB - On April 22, 2015, the Zoning Administrator approved a Conditional Use to allow the sale a full line of alcoholic beverages for off-site



consumption and on-site consumption of beer and wine in a proposed 1,360 square-foot store in the C2-2D-HPOZ Zone, located at 5918 North Figueroa Street.

Case No. ZA 2014-4835-CUB - On April 22, 2015, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in a proposed 2,140 square-foot restaurant in the C2-2D- HPOZ Zone, located at 5918 North Figueroa Street.

Case No. ZA 2014-2286-CUB - On November 19, 2014, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine only for on-site consumption in a 1,400 square-foot restaurant in the C2-2D- HPOZ Zone, located at 5511 North Figueroa Street.

### Public Hearing

The public hearing was held on December 17, 2015, in City Hall, 200 North Spring Street, Room 1050, Los Angeles. Margaret Taylor of Apex LA, the Applicant's representative and Wade McElroy, the Applicant were in attendance. Notice of the hearing was mailed on December 2, 2015.

Staff made a brief Power Point presentation, describing the project, the property and the surrounding properties' land use designations and uses. Mr. Giron stated that the property is in a neighborhood commercial land use designation and within the Avenue 57 Specific Plan. The site, he noted, has been designated as a historical monument – the highland theatre. The site plan and the floor plan were presented as were several photographs of the site. A copy of the 10-slide presentation is included in the case file.

Ms. Taylor presented the following testimony:

- The request is for the sale of full line of alcoholic beverages in conjunction with a proposed restaurant and bar.
- The total floor area for the entire restaurant is 2,874 square-feet which includes, the bar and the outdoor dining area toward the rear.
- The hours we originally requested are from 7:00 a.m. to 2:00 a.m. but LAPD recommends a 1:00 a.m. closing time.
- The 1:00 a.m. closing time is okay with the exception of Friday and Saturday, we would request a 2:00 a.m. closing time – the ETA Cocktail bar across the street at 5631 N. Figueroa closes at 2:00 a.m., we can offer a food alternative at the same time.
- On Sundays we will close at midnight.
- Operator is in agreement with all other conditions recommended by LAPD.
- There will be no live entertainment.
- Music will consist only of ambient background music, there are small speakers recessed.
- PLUM Neighborhood Council Committee is scheduled for tonight.
- The full Board meeting is scheduled for January 7<sup>th</sup>.



- The location has unique metro-link access.

Ms. Taylor submitted the following documents into the record:

- An informational packet about Birdie with photographs and concept overview.
- A "Fact Sheet"
- Copy of Case No. ZA-2015-1871(CUB), for reference regarding a nearby restaurant with a 2:00 a.m. closing time.

Wade McElroy presented the following testimony:

- I'm excited about this project. This is a unique site
- The landlord has taken a long time to restore the building and meet the historical requirements to show case its architectural history.
- We will serve high quality, sophisticated food, oysters and pasta for example.
- Our chef is a 10-year experienced chef in LA.
- We hire locally.

#### CORRESPONDENCE:

Letter (unsigned) dated December 13, 2015, from Captain Arturo Sandoval, Commanding Officer, Northeast Area, Los Angeles Police Department with recommended conditions.

#### CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES.

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provides the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- Petitioner(s) shall not have a cover charge for admission. There shall not be a requirement to purchase a minimum number of drinks.



**BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W 1 of the Los Angeles Municipal Code. In order for the sale and on-site consumption of a full line of alcoholic beverages at the proposed restaurant to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

**FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The applicant has requested a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption within a proposed restaurant/bar. Alcohol sales will be primary to the bar's menu offerings. The subject restaurant will have an overall floor area of 1,981 sq. ft., which includes seating for 75 patrons. The bar at the rear of the property measures approximately 562 square feet and will seat approximately 52 patrons, while the outdoor dining area between the two buildings measures approximately 330 square-feet and will seat approximately 34 seats. The hours of operation are from 7:00 a.m. to 1:00 a.m. Monday through Thursday, until 2:00 a.m. Friday and Saturday and closing at midnight on Sundays. These hours are consistent with previous approvals by the City in the immediate area and provide for a food alternative to the existing bar use across the street with a 2:00 a.m. closing time on Fridays and Saturdays.

The proposed restaurant is currently undergoing a change of use from retail to restaurant use. The existing storage shed is currently undergoing a change of use to the proposed bar. The project will not be expanded beyond the existing footprint of the structures on the site and therefore, will not change the built environment as the restaurant and bar will be within the existing structures on the site.

Figueroa Street is a commercial corridor with a large number of businesses that provide commercial services to residents and workers in the Highland Park area. A variety of commercial uses including bars, are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant commercial corridor. The availability of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed bar will offer an amenity



to the local community, local employees, the patrons of adjacent retail and residents in the Highland Park area.

The authorization for the proposed bar to sell and serve a full line of alcoholic beverages will provide a service to the local community and to the city by adding to the diversity of dining/drinking options available to residents, workers, and visitors in the Highland Park area. It is expected that proposed bar will operate in a manner that is beneficial to the local community and will provide a service to workers and patrons of the Highland Park.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject lot is a flat, rectangular, 7,000 square-foot interior lot with an approximately 50-foot frontage along Figueroa Street and a depth of 120 feet. The property is developed with an approximately 4,690 square-foot, one-story commercial building and surface parking. The subject bar occupies a portion within the existing commercial building. A change of use to convert the existing retail space to restaurant was recently filed with the Department of Building and Safety.

The applicant is requesting the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 1,981 square-foot restaurant with a 330 square-foot outdoor dining areas and a 562 square-foot bar. The entire venue will seat approximately 161 patrons. No parking spaces are provided nor required for the proposed use, however, the site abuts a city owned on-grade parking lot to the north. The property is zoned [Q]C4-2D-HPOZ which allows for bars and, moreover, the project is within an established commercial corridor that includes restaurants and other commercial uses.

The operational changes brought about by the approval of this grant will be mitigated by the conditions imposed therein. The grant will not result in activities that would change the size, height or other significant features of the existing building and therefore would not degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety of the public at large. Furthermore, the proposed exterior improvements were approved by the Historic Preservation board assuring the proposed restaurant will be in conformance with the surrounding historical character of the area.

As conditioned, the project's location, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.



3. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are twelve elements of the General Plan and each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject property is located within the Northeast Los Angeles Community Plan Map which designates the property for Neighborhood Commercial land uses with corresponding C1, C1.5, P, C2, C4 and RAS3 Zones. The property is zoned [Q]C4-2D-HPOZ. The Community Plan text is silent with regards to the sale of alcohol. Nevertheless, the project is consistent with the following goals and objectives of the Community Plan:

Goal 2: Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

The proposed project will support and help maintain a strong and competitive commercial area (Figueroa Street) by offering a desirable amenity with the proposed bar. The proposed project will conserve and strengthen a viable commercial area by converting a vacant retail use into a new bar use. The property is located within the Avenue 57 Transit Oriented District and the Highland Park-Garvanza Historic Preservation Overlay Zone. The proposed bar use is not affected by the HPOZ as there is no new construction being proposed.

Given the numerous conditions of approval, the instant project is in line with these purpose, intent and provision of the General Plan, the Community Plan and Specific Plans by locating commercial uses in existing established commercial areas and substantially conforms to the project area.

4. **The proposed use will not adversely affect the welfare of the pertinent community.**



The proposed restaurant/bar is within an established commercial corridor. The use will serve the local community, local employees and patrons of adjacent retail. The requested approval is for a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,874 square-foot restaurant/bar. The conditional approval will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be utilized as such with the sale of alcoholic beverages.

The grant authorized herein incorporates a number of conditions which have been imposed to mitigate the negative impacts typically associated with the sale and consumption of alcoholic beverages. The subject grant is authorized for a term of five years. The term grant allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems, then a subsequent decision on a new conditional use may take that into favorable consideration. In addition, the requirement of an age verification device and designated driver program, help reduce or eliminate the incidence of drunk driving and underage drinking. Surveillance cameras will help deter criminal activity which may be associated with alcohol consumption.

A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant a conditional use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. The Conditions imposed will protect the public health, welfare and safety of the community. Therefore, it is expected that the allowance for serving a full line of alcoholic beverages in conjunction with the proposed restaurant/bar will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-sale and 2 off-sale licenses are allocated to subject Census Tract No. 1836.10. There are currently 3 on-site and 2 off-site licenses in this Census Tract



Within a 1,000-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (1) Type 21 Off-Sale General
- (4) Type 41 On-Sale Beer and Wine for Bona Fide Public Eating Place
- (1) Type 47 On-Sale General for Bona Fide Public Eating Place

Although the number of active on-sale ABC licenses within the census tract exceeds ABC guidelines, the project will not adversely affect community welfare because the restaurant is a desirable use in an area designated for such. In this case, the proposed project will provide a convenience to workers and visitors in the immediate neighborhood and as conditioned and therefore will not negatively impact the area.

As reported by the Los Angeles Police Department, within Crime Reporting District No. 1118, which has jurisdiction over the subject property, a total of 83 crimes were reported in 2014, compared to the citywide average of 163 crimes and the high crime reporting district average of 196 crimes for 2014. Arrests for 2014 were listed as follow: there were 142 Narcotics, 1 Liquor Law, 20 Public Drunkenness, 1 Disturbing the Peace, 0 Disorderly Conduct, and 4 driving while intoxicated. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year.

However, the number of arrests represent those which could be related to the drinking of alcoholic beverages. A note of caution must be included, the arrests may had taken place for people drinking while at their residences or for people in establishments such as bars/restaurants. As condition herein, the proposed restaurant/bar is not anticipated to increase the number of arrests or crimes to this reporting district.

While the crime rate within the Reporting District where the site is located is higher than the citywide average, no evidence was submitted for the record establishing any link between the subject site and crime rates in the community. Furthermore, LAPD submitted a letter of non-opposition to the proposed request and included conditions should the Zoning Administrator approve the request.

The Zoning Administrator has incorporated numerous other operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other**



**establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The subject establishment is located along Figueroa Street and within an urbanized, commercially established corridor and historic neighborhood in the City. This site is surrounded to the south, east and west by other similarly commercial uses and a city owned on-grade parking lot buffers the restaurant to residential land uses to the north and located approximately 120 feet at the closest point to the proposed restaurant.

The following alcohol establishments are located within 1,000 feet of the subject site:

The Greyhound - 5570 N. Figueroa Street  
Amigo's Liquor - 5611 N. Figueroa Street  
Las Cazuelas Restaurant - 5707 N. Figueroa Street  
La Fuente Restaurant - 5552 N. Figueroa Street  
Pizza Restaurant - 5570 N. Figueroa Street  
Bistro Café - 5511 N. Figueroa Street

As conditioned herein, the grant limits impacts related with the sale of alcoholic beverages which would have an effect to residences located near the subject site.

The following sensitive uses are located within 1000 feet from the proposed restaurant:

- Councilmember Gilbert Cedillo, First Council District Office - 5577 N. Figueroa Street
- L.A. County Northeast Wellness Center - 5564 Figueroa Street

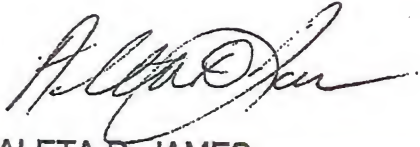
As conditioned, the project's operations are not expected to adversely affect or further degrade adjacent properties or the surrounding neighborhood. The imposition of operational conditions that clearly define the limits under which the business may operate will reduce the potential for detrimental effects to nearby properties in the area.

#### **ADDITIONAL MANDATORY FINDINGS**

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of minimal flooding.
8. On October 14, 2015 the project was issued a Notice of Exemption [Log No. ZA-2015-3765-CE]. Pursuant to Section 15300 *et seq.* of the State CEQA Guidelines and Article III, Sec 1, Class 5, Category 34 of the City CEQA Guidelines, the above referenced project has been determined not to have a significant effect on the

environment and shall therefore be exempt from the provisions of CEQA. I hereby adopt that action.

Inquiries regarding this matter should be directed to Rony E. Girón, (213) 202-5403, Planning Staff for the Office of Zoning Administration.



ALETA D. JAMES  
Associate Zoning Administrator

ADJ:RG:RW

cc: Councilmember Gilbert Cedillo,  
First Council District  
Adjoining property owners



## STATEMENT RE: CONSIDERATION POINTS

Applicant: Please complete left side of form, then sign. List the names and addresses of all schools, churches, hospitals, public playgrounds, and youth facilities located within 600 feet of your proposed premises. Measure all distances by direct line from the closest edge of the facility structure to the closest edge of your structure. Continue on reverse if needed.

1. APPLICANT NAME

Cafe Birdie, LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

5631 N. Figueroa St., Los Angeles, CA 90042

## 3. FACILITY NAME/ADDRESS

## DEPARTMENT USE ONLY

	LTR	PERS	DATE	DISTANCE FT.	SEPARATION FACTORS
1. <i>none</i>	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
2.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
3.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
4.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
5.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
6.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
7.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
8.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				
9.	<input type="checkbox"/>	<input type="checkbox"/>			
	NAME				

I acknowledge that any false, misleading or omitted information required in this statement may constitute grounds for denial of the application for the license, or, if the license is issued in reliance upon information in this statement which is omitted, false or misleading, then such misinformation or omission will constitute grounds for revocation of the license so issued.

4. APPLICANT SIGNATURE

DATE SIGNED

1-8-2016

## INFORMATION AND INSTRUCTIONS -

## SECTION 23958.4 B&amp;P

Instructions: This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.

- Part 2 is to be completed by the applicant, and returned to ABC.

Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

## PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

Cafe Burdie LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

5631 N. Figueira St., Los Angeles

3. LICENSE TYPE

47

4. TYPE OF BUSINESS

☒ Full Service Restaurant☐ Hofbrau/Cafeteria☐ Cocktail Lounge☐ Private Club☐ Deli or Specialty Restaurant☐ Comedy Club☐ Night Club☐ Veterans Club☐ Cafe/Coffee Shop☐ Brew Pub☐ Tavern: Beer☐ Fraternal Club☐ Bed & Breakfast:☐ Theater☐ Tavern: Beer & Wine☐ Wine Tasting Room☐ Wine only☐ All☐ Supermarket☐ Membership Store☐ Service Station☐ Swap Meet/Flea Market☐ Liquor Store☐ Department Store☐ Convenience Market☐ Drive-in Dairy☐ Drug/Variety Store☐ Florist/Gift Shop☐ Convenience Market w/Gasoline☐ Other - describe:

5. COUNTY POPULATION

3275

6. TOTAL NUMBER OF LICENSES IN COUNTY

☐ On-Sale☐ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

☐ On-Sale☐ Off-Sale

8. CENSUS TRACT NUMBER

1836.10

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

☒ On-Sale☐ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

3

☒ On-Sale☐ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

☒ Yes, the number of existing licenses exceeds the number allowed☐ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

☐ Yes (Go to Item #13)☐ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

1118

14. TOTAL NUMBER OF REPORTING DISTRICTS

1135

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

202,733

16. AVERAGE NO. OF OFFENSES PER DISTRICT

179

17. 120% OF AVERAGE NUMBER OF OFFENSES

215

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

159

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17☒ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

☐ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

☐ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)





FE DESIGN & CONSULTING

To: The Department of Alcoholic Beverage Control  
Attn: Margot Hoffman  
888 S. Figueroa St., Suite 320  
Los Angeles, CA 90017

From: Henry Truong, Consultant  
327 E. 2<sup>nd</sup> St. #222  
Los Angeles, CA 90012

Re: Public Convenience and Necessity  
"Café Birdie, LLC"  
5631 N. Figueroa St.  
Los Angeles, CA 90042

The applicant, Café Birdie, LLC is requesting a full line for their restaurant to serve the public convenience and necessity. In recent years Highland Park has experienced revitalization with the addition of new establishments such as The Greyhound, Highland Park Bowl, ETA and Civil Coffee, as well as upcoming additions, such as the applicant's new restaurant, along with a concept from RBTA, LLC, helmed by the operators of Sticky Rice at Grand Central Market in Downtown.

In areas where the neighborhood is being revitalized, new establishments that serve future residents, as well as customers and employees of new retail that gets brought in are a necessity. Café Birdie will be another addition to an area of Highland Park that is being revitalized. Old vacant street level units are being turned into restaurants, bars, coffee shops among other uses. The close proximity to the Highland Park Metro Gold Line Station also provides access to this community and opens up opportunities for the community to benefit from new conveniences.

There are currently three on-sale licenses in the census tract that the applicants are applying for a license in. There is a single Type 41 and two Type 47 licenses. ABC allowances are based on the population of a census tract, and for this particular tract, the allowance is three. While this particular census tract is at the threshold, and any additional license would be considered over-concentration, it should be noted that in the city of Los Angeles, it is not common that the amount of licenses within a census tract falls at the allowed limits. High traffic and commercial areas typically attract more people to the area than just the resident population, and with this in mind, ABC typically will issue licenses in over concentrated areas to serve a public convenience and necessity.

With all of the above information taken into consideration, it can be reasonably assured that the approval of the Type 47 license will serve the public convenience and necessity.

Sincerely,

Henry Truong

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

LA/METRO DISTRICT OFFICE  
888 S. FIGUEROA ST., STE 320  
LOS ANGELES, CA 90017  
(213) 833-6043



February 10, 2016

Dear Sgt. Fernando Carrasco, Los Angeles Police Department, Northeast Division, Vice Unit, Los Angeles, CA  
An application has been made for a license to sell alcoholic beverages in your jurisdiction.

CAFE BIRDIE LLC

Applicant(s) Name(s)

Doing Business As

5631 N FIGUEROA ST, LOS ANGELES, CA 90042-4101

Premises Address

## Type of Business:

☒ Restaurant☐ Bar/Tavern☐ Deli☐ Mini Mart☐ Liquor Store☐ Gas Station☐ Other:

Entertainment:

☐ Yes☒ No

Type of Entertainment

Proposed hours of alcoholic beverage sales/service:

7:00 am to 2:00 am daily

(Hours and entertainment are decided by the business owner and may change.)

Type(s) of alcoholic beverages to be sold:

☐ Beer☐ Wine☐ Beer & Wine☒ All Types

(Beer, Wine and Distilled Spirits)

If you have any questions or require additional information concerning the issuance of the license, please contact me on or before February 28, 2016.

Sincerely,

**COPY**

Margot Hoffman  
Licensing Representative

222-561-2100



Department of Alcoholic Beverage Control  
**STATEMENT RE: RESIDENCES**  
**(Rule 61.4)**

State of California  
Edmund G. Brown Jr., Governor

**Applicant:** Please complete left side of form, then sign. List addresses of all residences within 100 feet of your proposed premises. If there are none, write "None." Measure all distances by direct line from the closest edge of the residential structure to the closest edge of your structure or parking lot, whichever is closer. Your "parking lot" includes any area that is maintained for the benefit of your patrons or operated in conjunction with your premises. Continue on reverse if needed.

1. APPLICANT NAME

Cafe Birdie, LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

5631 N. Figueroa St., Los Angeles, CA 90042

**3. RESIDENCES WITHIN 100'**

**DEPARTMENT USE ONLY**

	LTR	PERS	DATE	DISTANCE	SEPARATION FACTORS
1. <i>none</i>	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
2.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
3.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
4.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
5.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
6.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
7.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					
8.	<input type="checkbox"/>	<input type="checkbox"/>		ft.	
NAME					

NON-INTERFERENCE (For Department Use Only)

*N/A*

*I acknowledge that any false, misleading or omitted information required in this statement may constitute grounds for denial of application for the license, or if the license is issued in reliance upon information in this statement which is offered, false or misleading, then such misinformation or omission will constitute grounds for revocation of the license so issued.*

4. APPLICANT SIGNATURE

DATE SIGNED

1-8-2016

TRANSFEROR

AB ADDISON INC

TRANSFEROR'S LICENSE NUMBER

47-448149

**SECTION I: APPLICANT'S STATEMENT THAT CONSIDERATION HAS BEEN DEPOSITED IN ESCROW**

ESCROW NUMBER NAME AND ADDRESS (Street, number and name, city, state, zip)

ABC Escrow

2222 Damon Street

Los Angeles, CA 90021

APPLICANT NAME AND PREMISES ADDRESS (Street number and name, city, zip)

CAFE BIRDIE LLC

5631 N. FIGUEROA ST., LOS ANGELES, CA 90042

The above designated applicant states that he is the intended transferee of a retail license, and submits the following statement pursuant to the provisions of Section 24074.3 of the Alcoholic Beverage Control Act:

I hereby state that the purchase price or consideration, as set forth in the escrow agreement required by Section 24074 of the Alcoholic Beverage Act is deposited with the Escrow Holder named above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at

APPLICANT(S) SIGNATURE

, California, this

19

day of

Dec/2013

X

Applicant(s) hereby instruct(s) the Escrow Holder to transmit this statement to the Department of Alcoholic Beverage Control when the Escrow Holder executes Section II of this document. At that time a copy must also be sent to the transferor.

**SECTION II: ESCROW HOLDER'S NOTIFICATION TO THE DEPARTMENT THAT LICENSE MAY TRANSFER**

To the Department of Alcoholic Beverage Control:

In connection with the transfer of the Alcoholic Beverage License described above, please be advised that the total consideration set forth in the recorded notice has been deposited in escrow and that all cash required by the escrow instructions to be deposited prior to the close of escrow has in fact been deposited, and/or the Escrow Holder has the unconditional written assurance of a responsible lender that funds will be deposited in escrow forthwith upon issuance of license.

Escrow Holder certifies that disbursement of the consideration provided for in escrow instructions will not establish a preference for any creditor of the transferor except as provided for by Section 24074 of the Alcoholic Beverage Control Act.

ESCROW HOLDER: Mail original and two copies to:

Department of Alcoholic Beverage Control

FEB 10 2014

ESCROW HOLDER SIGNATURE

X

ESCROW NUMBER

15572-KA

DATE SIGNED

2-10-16

**SECTION III: DEPARTMENT'S NOTICE TO ESCROW HOLDER THAT LICENSE HAS TRANSFERRED**  
(For Department use only)

LICENSE NUMBER

DATE SIGNED

This notice, submitted in fulfillment of the provisions of Section 24074 of the Alcoholic Beverage Control Act will serve to confirm that the transferor's license was transferred as shown above.

LICENSING SUPERVISOR SIGNATURE (Department of Alcoholic Beverage Control)

X